

FREQUENTLY ASKED QUESTIONS

14 CFR, PART 141

ARRANGED BY SECTION

MAINTAINED BY THE PILOT EXAMINER STANDARDIZATION TEAM, AFS-640

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**THE ORIGINAL "Q&A" REFERENCE IS NOTED
FOLLOWING EACH (GROUP OF) QUESTION (S)**

CHANGE NOTICE:

REVISION #15, DATE: JUNE 26, 2001

INCORPORATING Q&A #s: 413-442

WITH ALL PREVIOUS Q&As 1 - 412

VERTICAL BAR IN LEFT MARGIN DENOTES CHANGES SINCE: 12/19/2000

**CHANGES HAVE BEEN MADE TO Part 141 Sections: §141.11, §141.17, §141.23,
§141.35, §141.36, §141.63, §141.38, §141.77, §141.79, §141.91,
CHANGES HAVE BEEN MADE TO Part 141 Appendixes: A-K, E, K**

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FAQ 14 CFR, Part 61 & 141

**THE SOURCE OF ANSWERS IS JOHN LYNCH, AFS-840 CERTIFICATION
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However, the answers in this website address *Frequently Asked Questions* on 14 CFR part 61 and represents FAA Flight Standards Service policy as it relates to this regulation. The answers are provided for standardization purposes only.

PART 141

QUESTION 1: What is the status of the information in the part 61/141 Q/A? Is it regulatory, an order, AFS policy, FAA HQ policy.

ANSWER 1: The authority of the Part 61/141 Q&A website is strictly Flight Standards policy on parts 61 and 141 for standardization purposes. As we all know, only an administrative law judge can establish a legal precedent to make a rule legally binding. Even the FAA Chief Counsel offices at FAA HQ and at the regional offices only issue legal opinions. However, FAA Chief Counsel office legal opinions certainly carries more "weight/authority" than these Q&As on this website have. But only an administrative law judge can issue a legal ruling that establishes a legal precedent that makes the rule legally binding. And then there have been those times where the NTSB may overrule one of their administrative law judge's legal ruling.
{q&a-435}

CORRECTION: Revision of Q&A #231 is made to emphasize the requirements for

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2). The pilot examiner's comparing the experience shown with the requirements of part 141, or if necessary, with the Training Course Outline by contacting an official of the flight school or the Principal Operations Inspector. 2). The pilot examiner's comparing the experience shown with the requirements of part 141, or if necessary, with the Training Course Outline by contacting an official of the flight school or the Principal Operations Inspector.

QUESTION 1: When an applicant completes an approved Part 141 course of training, does an examiner need to review the times in Section III "Record of Pilot Time" on the Airman Certification and/or Rating Application (FAA Form 8710-1) to insure the applicant's aeronautical experience meet Part 141 aeronautical experience requirements, as appropriate? Does the applicant even need to complete Section III "Record of Pilot Time" on the Airman Certification and/or Rating Application (FAA Form 8710-1)

ANSWER 1: Ref. § 61.39(a)(7) and §61.71(a); Yes, the FAA would expect an examiner to review the times on the "Airman Certification and/or Rating Application" (FAA Form 8710-1) to insure the applicant's aeronautical experience meet the appropriate aeronautical experience requirements of Part 141.

And yes, the applicant is required to enter his/her aeronautical experience in Section III "Record of Pilot Time" because as per § 61.39(a)(7) it states "Have a completed and signed application form."

However, the aeronautical experience times may not meet the appropriate minimum aeronautical experience requirements of Part 61, because Part 141 provides for less course approval times. And §141.55(d) or (e) provides for course approval "... without specifying the minimum ground and flight training time requirements of this part" so it is possible for an applicant who graduates from an approved Part 141 training course to have less time than the minimum aeronautical experience requirements of Part 61.

As per §61.71(a), if an applicant is a graduate of Part 141 approved course of training, that applicant "... is considered to have met the applicable aeronautical experience, aeronautical knowledge, and areas of operation requirements of this part" (e.g., Part 61). But no place does it provide that the applicant needn't complete Section III "Record of Pilot Time" on the Airman Certification and/or Rating Application (FAA Form 8710-1). And per § 61.39(a)(7), it requires that the applicant "Have a completed and signed application form."

Now during an examiner's review of the applicant's "Airman Certification and/or Rating Application" (FAA Form 8710-1) in Section III "Record of Pilot Time" if the examiner were to find that the times were less than the required Part 141 aeronautical experience requirements, then the FAA expects that examiner to at least question the local FAA FSDO or the Chief Instructor about it. Knowing the way most Part 141 schools operate, an examiner could question the school's Chief Instructor and the matter would probably get resolved right then.

QUESTION 2: When an applicant has completed/graduated from a Part 141 training course, does the applicant/school need to show the applicant's aeronautical experience time in Section III - Record of Pilot Time on the "Airman Certification and/or Rating Application" (FAA Form 8710-1)? And does the examiner need to verify that the applicant's time shown in Section III - Record of Pilot Time on the "Airman Certification and/or Rating Application" (FAA Form 8710-1) meet the appropriate minimum aeronautical experience requirements for the pilot certificate and/or rating the applicant is seeking?

ANSWER 2: Ref. § 61.39(a)(7) and FAA Order 8710.3C, Chapter 5, page 5-11, paragraph 41.B.(6); Per § 61.39(a)(7), the applicant's aeronautical experience time must be shown in the appropriate blocks of Section III -Record of Pilot Time on the "Airman Certification and/or Rating Application" (FAA Form 8710-1). As per § 61.39(a)(7), it requires that the applicant "Have a completed and signed application form." And on the instruction sheet of the "Airman Certification and/or Rating Application" (FAA Form 8710-1), it states:

III. RECORD OF PILOT TIME. The minimum pilot experience required by the appropriate regulation must be entered. It is recommended, however, that ALL pilot time be entered. If decimal points are used, be sure they are legible. Night flying must be entered when required. You should fill in the blocks that apply and ignore the blocks that do not. Second In Command "SIC" time used may be entered in the appropriate blocks. Flight Simulator, Flight Training Device and PCATD time may be entered in the boxes provided. Total, Instruction received, and Instrument Time should be entered in the top, middle, or bottom of the boxes provided as appropriate.

And per FAA Order 8710.3C, Chapter 5, page 5-11, paragraph 41.B.(6), the FAA expects the examiner to verify that the applicant's aeronautical experience time shown in Section III - Record of Pilot Time on the "Airman Certification and/or Rating Application" (FAA Form 8710-1) in applicant's "Airman Certification and/or Rating Application" (FAA Form 8710-1) meet the appropriate minimum aeronautical experience requirements for the pilot certificate and/or rating that the applicant is seeking.

The FAA expects an examiner to review Section III - Record of Pilot Time of the Airman Certification and/or Rating Application" (FAA Form 8710-1). However, if the times do not meet the minimum aeronautical experience requirements and/or the course approval times, then the FAA expects the examiner to inquire why the applicant's times do not meet the requirements. And yes, as I previously mentioned, it may be the school's approved course of training is one that has been approved in accordance with §141.55(d) or (e). But a simple conversation with the Chief Flight Instructor or with the local FSDO (the principal operations inspector who has oversight of the school) should be able resolve any questions.

{q&a-231}

141.5 Requirements for a pilot school certificate

QUESTION 2: Do the pass-fails conducted under examining authority under 14 CFR, part 141, subpart D count toward the 80% quality of instruction pass rate required for renewal of school certificates?

ANSWER 2: Ref. § 141.5(d), § 141.27(a)(2); Yes; per § 141.5(d) as it states, in pertinent part, "... at least 80 percent of **all tests** administered were passed on the first attempt..." Emphasis added "... all tests..."

Furthermore, an all-inclusive, comprehensive "end of course" test used by a pilot school in a course with examining authority (flight only) may be used by that school as a "counter" to satisfy the requirements of §141.5(d). An all-inclusive, comprehensive end of course test may be used as a "counter" in the same manner as the results of a practical test conducted under the certification requirements of part 61 may be used by a school whose course does not hold examining authority. And that same reasoning also applies to the all-inclusive, comprehensive end of course knowledge test used by a pilot school in a course approved with examining authority (ground only) may be

used by that school as a “counter” to satisfy the requirements of §141.5(d). An all-inclusive, comprehensive end of course knowledge test may be used as a “counter” in the same manner as the results of a knowledge test conducted under the certification requirements of part 61 may be used by a school whose course does not hold examining authority.

QUESTION 3: Do the phase tests count or just the end of course tests count toward determining the 80% quality of instruction pass rate for renewal of a school certificate, even if the ending test is, in effect, a progressive kind of test and not a final end of course test that is one all-inclusive, overall kind of end of course test?

ANSWER 3: Ref. § 141.5(d); The intent of the rule is to count only the “end of course test” for calculating the 80% quality of instruction pass rate. And as per § 141.5(d), those tests include “. . . a knowledge or practical test for a pilot certificate, flight instructor certificate, ground instructor certificate, an additional rating, an end-of-course test for a training course specified in appendix K to this part, or any combination of those tests . . .” It does not count if it is merely an intermediate phase test.

Only a comprehensive, all-inclusive “end of course” test can be used as a counter under §141.5(d), and then, only if the course has examining authority for that portion of the course (i.e., knowledge or practical test that was accomplished under an approved examining authority). The “end of course” test or final phase test in a course of training that is not approved examining authority cannot be used as a counter for §141.5(d) purposes. The provisions of §141.5(d) require that the tests used as “counters” must be knowledge or practical tests that are accomplished for a pilot, flight instructor, ground instructor, or an additional rating certification or for an end of course test for an appendix K course. Therefore, only the end of course tests that can be counted as “counters” under §141.5(d) *[for meeting the 80% pass rate criteria or the 10 graduates quantity criteria]* are the “end of course” tests that are approved under appendix K courses or the comprehensive, all-inclusive “end of course” tests that approved under an approved examining authority course [i.e., § 141.5(d), in pertinent part “. . . a knowledge or practical test for a pilot certificate, flight instructor certificate, ground instructor certificate, an additional rating, an end-of-course test for a training course specified in appendix K to this part, or any combination of those tests . . .”]

However, read on what our policy is when a school with examining authority requests progressive phase tests for the end of course test. **Don’t approve it!** That goes for even schools without examining authority, don’t approve progressive phase tests for the end of course test. . **Don’t approve it!** One of the basic concepts of a pilot school having examining authority includes that the issuance of a certificate or rating be without the need for any further testing by the FAA. However, per §141.67(c), “Tests given by a pilot school that holds examining authority **must be approved by the Administrator** and be at least equal in scope, depth, and difficulty to the comparable knowledge and practical tests prescribed by the Administrator under part 61 of this chapter.” Emphasis added these tests “. . . **must be approved by the Administrator . . . be at least equal in scope, depth, and difficulty** to the comparable . . .” So per §141.67(c), the FAA/POI has the authority to require a school’s “end of course” test to be a comprehensive, all-inclusive “end of course” test. By requiring a school to administer a comprehensive, all-inclusive “end of course” test would then make it possible for a school’s “end of course” test to be able to be counted in the determination of the quantity and quality requirements of §141.5(d). Requiring a school’s “end of course” test to be a comprehensive, all encompassing test would satisfy the requirements of §141.5(d) for “. . . all tests administered were passed on the first attempt.”

{q&a-376}

QUESTION 4: Ref. §141.101(d) and §141.5(d); This rule only requires a school to retain a student’s records for 1 year from the date the student: (1) Graduates from the course to which the record pertains; (2) Terminates enrollment in the course to which the record pertains; or (3) Transfers to another school. But §141.5(d) requires, in effect, that the records be maintained “. . . 24 calendar months preceding the month the application is made for the pilot school certificate. What is it, 1 year or 24 calendar months?

ANSWER 4: Per §141.5(d), a school would have to have records that can show the school “Has trained and recommended for pilot certification and rating tests, within 24 calendar months preceding the month the application is made for the pilot school certificate . . .”

However, the rule doesn’t necessarily require that the school maintain all of the student’s records. The school would only need to retain the records that can show the school “Has trained and recommended for pilot certification and rating tests, within 24 calendar months preceding the month the application is made for the pilot school certificate . .

.", [i.e., as per §141.5(d)]. So, a copy of the student's graduation certificate, the completed FAA Form 8710-1 "Airman Certificate and/or Rating Application," and "Temporary Airman Certificate" would suffice.
{q&a-247}

QUESTION 1: What is meant by the phrase "... or any combination of those tests ..." that is contained in §141.5(d)? And do completion of Appendix K courses count for issuance of a school certificate and renewal of a school certificate?

ANSWER 1: The phrase "... or any combination of those tests ..." that is contained in §141.5(d) means:

The intent of §141.5(d) is, a school must show an enrollment and completion of at least 10 students. And yes a student who completes the school's course of ground training for a knowledge test counts as ONE student completion and then that same student who completes the school's course of flight training for a practical test also counts as ANOTHER student completion and so that equates to a TOTAL of 2 student completions. And 80% of those students must have passed on the first attempt. In effect, the school must show 10 student completions in ANY of the school's courses in order for the school to be issued a Part 141 school certificate or to have a Part 141 school certificate renewed. A school may have 10 training courses approved and have one student in each of the 10 courses or the school may have 10 students all in one course and no students in the other 9 courses.

Additionally, in response to your second specific question. You stated that completion of some of the Appendix K courses [i.e., Rotorcraft external-load operations course, Test pilot course, etc.] do not involve the issuance of a pilot certificate or rating. But yet §141.5(d) states, in pertinent part, "... an end-of-course test for a training course specified in appendix K of this part ..." You asked whether completions in these Appendix K courses count for renewal of a school certificate under §141.27? The answer is yes because §141.27(a)(2) states, in pertinent part, "... training records, and recent training ability and quality meet the requirements of this part. ..."
{q&a-202}

QUESTION: Part 141.5(d) requires that at least 10 students be "trained and recommended for pilot certification or rating tests". The wording of this provision does not require that the students that have been recommended for the tests actually take the tests. In reality a school could have had sufficient numbers (30 students trained and recommended) and only one student actually take the test. If the one student passed the knowledge test, their percentage is 100. This may not provide the quality check that would be desirable. Please confirm that I am reading this provision correctly.

ANSWER: Do we really have that many people out there who are enrolling in our Part 141 schools' ground courses and then never take the test? Do we actually have a situation where one of our schools can only show one student out of 100 enrollees who actually took the knowledge test?

Section 141.5(d), in pertinent part, states "... 10 students for a knowledge or practical test ... and at least 80 percent of all tests administered were passed on the first attempt."

The intent here is, a school must show an enrollment and completion of at least 10 students and 80% of those students passed on the first attempt..

Incidentally, one person can count as two students. A student who enrolls in a course of ground training for a knowledge test counts as one student. Then when that same student enrolls in that same school's course of flight training for a practical test also counts as one for a total of 2 students in calculating the above requirement.
{q&a-154}

141.11 Pilot school ratings

QUESTION 4: The Q/A #155 addresses ratings as though it was addressing individual courses. We are limiting the ratings a school can be issued to those listed in 141.11(b) plus the provisions of 141.57 Special Curriculum making a total of 19 different ratings. We do emphasize the difference in ratings a school is issued (by the CHDO)

compared to the large number of courses that could be reviewed and approved. We are also emphasizing that school ratings are listed on the Air Agency Certificate. Course titles are listed on the "List of Approved Courses".

ANSWER 4: Ref. § 141.11(b) and FAA Order 8700.1, Vol. II, pages 141-22 and 141-31; In my Q&A 155, I made a mistake by interchanging the term "ratings" and "courses." There is a difference between the term "ratings" as it applies to the "ratings" issued to a school on their Air Agency Certificate and the "courses" that are approved in accordance § 141.55. The list of pilot school ratings are addressed in § 141.11(b). Those are the pilot school ratings that can be issued to a pilot school. Those ratings approved for a pilot school should be listed on the school's Air Agency Certificate and the accompanying letter of approval from the school's jurisdictional Flight Standards District Office. See FAA Order 8700.1, Vol. II, pages 141-22 and 141-31 for samples of what I am talking about here.

The courses that are approved under § 141.55 and § 141.57 are as follows:

Recreational Pilot Certification Courses: Airplane Single-Engine Land (1); Rotorcraft Helicopter (2); and Rotorcraft Gyroplane (3).

Private Pilot Certification Courses: Airplane Single-Engine Land (4); Airplane Multiengine Land (5); Airplane Single-Engine Sea (6); Airplane Multiengine Sea (7); Rotorcraft Helicopter (8); Gyroplane (9); Glider (10); Lighter-than-Air Airship (11); Lighter-than-Air Gas Balloon (12); Lighter-than-Air Balloon with an Airborne Heater (13); and Powered-Lift (14).

Commercial Pilot Certification Courses: Airplane Single-Engine Land (15); Airplane Multiengine Land (16); Airplane Single-Engine Sea (17); Airplane Multiengine Sea (18); Rotorcraft Helicopter (19); Rotorcraft Gyroplane (20); Glider (21); Lighter-than-Air Airship (22); Lighter-than-Air Gas Balloon (23); Lighter-than-Air Balloon with an Airborne Heater (24); and Powered-Lift (25).

Instrument Rating Courses: Airplane (26); Helicopter (27); and Powered-Lift (28).

Airline Transport Pilot Certification Courses: Airplane Single-Engine Land (29); Airplane Multiengine Land (30); Airplane Single-Engine Sea (31); Airplane Multiengine Sea (32); Rotorcraft Helicopter (33); and Powered-Lift (34).

Flight Instructor Certification Courses: Airplane Single-Engine (35); Airplane Multiengine (36); Rotorcraft Helicopter (37); Rotorcraft Gyroplane (38); Glider (39); and Powered-Lift (40).

NOTE: *The Flight Instructor Certification Courses may be further identified by identifying the aircraft category and class rating. For example Flight Instructor Certification Course – Airplane Single Engine Land; Flight Instructor Certification Course – Airplane Single Engine Sea; Flight Instructor Certification Course – Airplane Multiengine Land; Flight Instructor Certification Course – Airplane Multiengine Sea, etc.*

Flight Instructor Instrument Courses: Instrument-Airplane (41); Instrument-Helicopter (42); and Instrument Powered-Lift (43).

Ground Instructor Courses: Basic (44); Instrument (45); and Advanced (46).

Additional Aircraft Category or Class Rating Courses: Airplane Single-Engine Land (47); Airplane Multiengine Land (48); Airplane Single-Engine Sea (49); Airplane Multiengine Sea (50); Rotorcraft Helicopter (51); Rotorcraft Gyroplane (52); Glider (53); Lighter-than-Air Airship (54); Lighter-than-Air Gas Balloon (55); Lighter-than-Air Balloon with an Airborne Heater (56); and Powered-lift (57).

NOTE: *These Additional Aircraft Category or Class Rating Courses shall be further identified by the pilot certification level for which the additional aircraft category and class rating applies. For example, Airplane Multiengine Land at the Private Pilot Certification Level; Airplane Single Engine Sea at the Commercial Pilot Certification Level, Rotorcraft Gyroplane at the ATP Certification Level, etc.*

Aircraft Type Rating Courses: [e.g., as in the case of a Lear 60, Citation 500, Falcon 50, etc. (58)]

Special Preparation Courses: Pilot Refresher Course (59); Flight Instructor Refresher Course (60); Ground Instructor Refresher Course (61); Agricultural Aircraft Operations Course (62); Rotorcraft External-Load Operations Course (63); Special Operations Course (64); Test Pilot Course (65); and Pilot Ground School Course (66).

NOTE: *These Special Preparation Courses shall be further identified to describe the course. For example, Special Operations Course – Night Vision Goggle Qualification; Special Operations Course – Pipeline Patrol; Special Operations Course – Aerial Photography; Test Pilot Course – Rotorcraft Helicopter; Pilot Ground School Course – King GNS-XLS Flight Management System; Pilot Ground School Course – Aeronautical Decision Making; Pilot Ground School Course – Flight Deck Management and Crew Coordination; Pilot Ground School Course King KLN 94 Global Positioning System, Pilot Ground School Course Night Vision Goggles Model AV4949, etc.*

{q&a-424}

QUESTION: Sorry for the confusion on this issue of Ratings that an Approved Pilot School, or Provisional, can hold. We are teaching that the only ratings that a school can hold are those listed in Part 141.11(b). There are a total of 18 beginning with, "Recreational Pilot Course" and ending with "Pilot Ground School Course". We are emphasizing that these are the only Ratings a school can hold, or be issued. The one exception we do acknowledge is 141.57, Special Curriculum as the 19th rating that can be issued. Each individual course, normally containing a certificate level, a category and a class do not appear on the school certificate but on the "List of Approved Courses". The current 8700.1 comments that considering certificate level, category and class, there could easily be in excess of 100 courses. Obviously, we cannot list courses on the certificate, but are listed on the "List of Approved Courses".

The requirement to issue "Ratings" to a Pilot School and the use of the term "Rating" when relating or defining a pilot privilege could be confusing if we don't have some very explicit guidance. We are limiting Pilot School ratings to those outlined in 141.11(b) because they are very specific and are listed under the heading of "Pilot School Ratings."

Please let me know if there is a problem with the above information.

ANSWER: Ref. §141.11(b); I count 66 ratings that can be listed on a Part 141 school's FAA Form 8420-8, "Application for Pilot School Certificate," and the accompanying letter that is signed by the FSDO manager. The ratings that a Part 141 school may receive approval for are as follows:

Recreational pilot course: (1) Airplane Single-engine land; (2) Rotorcraft - Helicopter; (3) Rotorcraft - Gyroplane.

Private pilot course: Airplane - (4) Single-engine land; (5) Multiengine land; (6) Single-engine sea; (7) Multiengine sea; Rotorcraft - (8) Helicopter; (9) Gyroplane; (10) Glider; Lighter-than-air (11) Airship; (12) Gas Balloon; (13) Balloon with an airborne heater; (14) Powered-lift.

Commercial pilot course: Airplane - (15) Single-engine land; (16) Multiengine land; (17) Single-engine sea; (18) Multiengine sea; Rotorcraft - (19) Helicopter; (20) Gyroplane; (21) Glider; Lighter-than-air (22) Airship; (13) Gas Balloon; (24) Balloon with an airborne heater; (25) Powered-lift.

Instrument rating course: (26) Airplane; (27) Helicopter; (28) Powered-lift.

Airline transport pilot course: Airplane - (29) Single-engine land; (30) Multiengine land; (31) Single-engine sea; (32) Multiengine sea; Rotorcraft - (33) Helicopter; Powered-lift (34)

Flight instructor course: Airplane - (35) Single-engine; (36) Multiengine; Rotorcraft- (37) Helicopter; (38) Gyroplane; (39) Glider; (40) Powered-lift.

Flight instructor instrument course: (41) Airplane; (42) Helicopter; (43) Powered-lift.

Ground instructor course: (44) Basic; (45) Instrument; (46) Advanced .

Additional aircraft category or class rating course: Airplane - (47) Single-engine land; (48) Multiengine land; (49) Single-engine sea; (50) Multiengine sea; Rotorcraft - (51) Helicopter; (52) Gyroplane; (53) Glider; Lighter-than-air (54) Airship; (55) Gas Balloon; (56) Balloon with an airborne heater; (57) Powered-lift.

Aircraft type rating course: (58) [e.g., as in the case of a Lear 60]

Special preparation courses: (59) Pilot refresher course; (60) Flight instructor refresher course; (61) Ground instructor refresher course; (62) Agricultural aircraft operations course; (63) Rotorcraft external-load operations course; (64) Special operations course; (65) Test pilot course; and (66) Pilot ground school course .
{q&a-155}

141.17 Duration of certificate and examining authority

QUESTION 3: Section 141.17 (a)(4). Does the certificate expire if the school's facility, personnel or aircraft for one course is not maintained beyond the 60 day period?

ANSWER 3: Ref. §141.17(a)(4); It is not mandatory that the school certificate expire, because the wording of §141.17(a)(4) says "Upon notice by the Administrator . . ." Every situation has its uniqueness. However, just like the rule states "(4) Upon notice by the Administrator that the school has failed for more than 60 days to maintain the facilities, aircraft, or personnel required for any one of the school's approved training courses." But, the FAA does have the authority to cause the school certificate to expire if the school has failed for more than 60 days to maintain the facilities, aircraft, or personnel required for any one of the school's approved training courses.
{q&a-435}

QUESTION 1: If a Part 141 pilot school is sold (including all TCO's, etc.), and upon sale it will be relocated to another FSDO's geographical jurisdiction, be renamed, and neither the chief flight instructor nor director of maintenance will relocate, but be replaced with new personnel, can the sale be made?

If so, can the purchased flight school retain its certification status with regard to applying for additional authorities (examining authority, etc.) as though it continues as the original school (full Part 141, not provisional)?

ANSWER 1: Ref. § 141.17(b); The sale of the **school** can be made, but the Part 141 **certificate cannot** be sold. As per § 141.17(b), a change in the ownership of a pilot school or provisional pilot school does not terminate that school's certificate if within 30 days after the date that any change in ownership of the school occurs there is "No change in the facilities, personnel, or approved training courses is involved." [i.e., §141.17(b)(2)]. However, since you stated there will be a change in the school's location, chief flight instructor, and director of maintenance the school's Part 141 certificate cannot be sold. The new owners and school would be considered a new school and must reapply in accordance with the procedures set forth in FAA Order 8700.1, chapter 141.

QUESTION 2: Follow on question is what status would the seller of the original school be in as it pertains to FAR 141 pilot school certification should they wish to reenter the pilot school arena? Would they be a totally new school (provisional) or could they resume their previous status (same president/chief flight instructor/director of maintenance/TCO's, etc.), allowing them to return to business as usual and request examining authority given that their quality of instruction had been already demonstrated?

ANSWER 2: Ref. § 141.17(b)(2); The former owner(s) would have to reapply and start all over. You said "... a Part 141 pilot school is sold (including all TCO's, etc.) . . ." So there would be a "... change in the facilities . . . approved training courses . . ." [i.e., §141.17(b)(2)]. I assume when you said "... is sold (including all TCO's, etc.) . . .", that also meant facilities as well as "... all TCO's, etc. . . ." The former owner(s) would have to reapply and start all over just like an brand new applicant.

But the obvious to me in this question (even though you didn't say it) would be that I am quite certain there would be something written in the sales contract by the buyer that would prohibit that seller from starting up operations immediately. And even if the former owner(s) had cheated and kept copies of the approved training courses, those former owner(s) would have to reproduce all the TCOs and get them date stamped and approved again. And the

former owner(s) would have to obtain facilities to house the school. And I would assume the former owner(s) would have to purchase all new training records, files, equipment, aircraft, maintenance facilities, operational facilities, because you said "... a Part 141 pilot school is sold (including all TCO's, etc.) . . ."

{q&a-383}

QUESTION: Prior to the change, §141.17(a)(3) stated "...a pilot school certificate expires...the school has failed for more than 60 days to maintain facilities, aircraft, and personnel required for at least one of its approved courses."

New §141.17(a)(4) now states "...a pilot school certificate expires failed to maintain...for any one of the school's approved training courses."

Hypothetical: a school has a private pilot course that uses a single-engine airplane. it also has a commercial course that uses a multiengine airplane. the multiengine airplane is sold and not replaced within sixty days from the date of a "notice by the administrator."

Prior to the change, the certificate would not have expired because the school maintains the aircraft, etc. For at least one of its courses (private pilot - single engine).

It appears that the new rule puts the entire certificate in jeopardy because any one of the courses (commercial - multiengine) has failed to maintain its aircraft.

Was the change from "at least" to "any" intentional?

Is this an incentive for the school to amend its certificate (delete the multiengine course) within sixty days so as not to place the entire certificate in jeopardy? if so, the certificate would need to be amended again to (re)add the multiengine course when the replacement aircraft arrived. sounds like a lot of paperwork!

ANSWER: Ref. §141.17(a)(4); The answer is no, a school's pilot certificate would not need to be revoked. But certainly in reference to the scenario you've cited, the school's course/rating would have to be stopped until another approved multiengine airplane is located. In a review of the old §141.17(a)(3) it stated "... surrendered, suspended, or revoked, a pilot school's certificate or a provisional pilot school's certificate expires . . . for at least one of its approved courses . . . ; whereas, the current §141.17(a)(4) states:

§141.17 Duration of certificate and examining authority.

(a) Unless surrendered, suspended, or revoked, a pilot school's certificate or a provisional pilot school's certificate expires:

* * * * *

(4) Upon notice by the Administrator that the school has failed for more than 60 days to maintain the facilities, aircraft, or personnel required **for any one of the school's approved training courses.**

I grant you that minor word change may lead one to read it the way you've stated, but there was no intent to change the meaning of §141.17. Its just another example that when writing FARs, you have to be extremely careful with the words. Simple word changes like "at least one" to "any one" may have different meanings to all of us.

{q&a-304}

141.21 Inspections

QUESTION: Can the Assistant Chief practical test required by 141.36 be given by the school? The only document which specifically states that the test required by FAR 141.36 must be given by an Aviation Safety Inspector is FAA Order 1 paragraph 7(c). A person might indeed argue that a non FAA employee is not bound by FAA Orders, but it is the inspector who does the certification and surveillance, and he/she is bound by the FAA Order. Nowhere in FAR 141 does it say that a Chief Flight Instructor, or other school official, may administer the required test to a designated Assistant Chief. The regulation therefore implies that the test must be given by an FAA Inspector. It appears that if a 141 school designates an assistant chief flight instructor, and that designee does not

complete the required test, from an FAA Inspector, and that designee certifies any training records, performs any phase checks, etc. that only a real chief flight instructor is empowered to do, the school is in violation of FAR §141.

ANSWER: Ref. §141.21 and §141.36(a)(3) and (4) and Order 8700.1, page 143-1, paragraph 5.B. and C. and 7.C. He has to take the tests with an FAA Aviation Safety Inspector. And as far as the authority for the FAA to test the school's assistant chief instructor, failure to comply with Order 8700.1 is a violation of §141.21.
{q&a-161}

141.23 Advertising limitations

QUESTION 2: Section 141.23 limits advertising activities of approved schools. What regulation limits schools that are not approved from advertising as "approved schools?"

ANSWER 2: Ref. §§141.5 and 141.23; If you are asking whether part 141 has a comparable rule like §135.7 "Applicability of rules to unauthorized operators," the answer is no. However, if any person or company were to engage in part 141 operations without a part 141 school certificate, §141.5 is worded sufficiently that action/enforcement could be taken against that person or company to cause them to "cease and desist."
{q&a-435}

141.25 Business office and operations base

QUESTION 6: What are the limits or provisions for the establishment of a satellite base in a foreign country?

ANSWER 6: Ref. §§ 141.25(e), 141.53, and 141.91(b); The only "limits or provisions" for the establishment of satellite bases in foreign countries are that they are treated like any other satellite base in that they must be inspected and approved by the FAA [i.e., §141.25(e)]. With the issuance of Amendment No. 141-11 on October 5, 1998, the FAA deleted § 141.15. That rule restricted pilot schools from establishing schools at locations outside the United States. U.S. pilot schools are now permitted to establish training facilities outside the United States. The purpose behind removing § 141.15 was to facilitate the continuation of harmonization with our European partners of the Joint Aviation Authorities. Surveillance of schools at foreign locations are being performed by the International Flight Operation office in New York, San Francisco, and Houston.

The actual Federal Register publication with the rule and preamble language can be read at:

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=1998_register&docid=98-26602-filed
{q&a-424}

PART 141.27 Renewal of certificates and ratings

QUESTION: In order to renew its Air Agency Certificate, §141.27(a)(2) appears to require that the pilot school must meet original requirements and "have..." trained and recommended for pilot certification and rating tests, within 24 calendar months preceding the month the application is made for the pilot school certificate, at least 10 students for a knowledge or practical test" and further states, "and at least 80 percent of all tests administered were passed on the first attempt" (FAR 141.5).

Does this mean that the school must have trained and recommended at least 10 students for a knowledge or practical test in EACH CERTIFICATION AND RATING COURSE the school is authorized to conduct?

ANSWER: Reference §141.27(a)(1) and (2). The school must only have a TOTAL of 10 student completions for the entire school. So for example, if the school has the following courses approved:

Private Pilot-ASEL
Commercial Pilot-ASEL

Instrument-Airplane
Flight Instructor-ASE
Additional Aircraft Rating-AMEL
Additional Aircraft Rating-Helicopter
Additional Instrument Rating-Helicopter
External Load Course-Helicopter

When the school makes application to renew their school certificate, in accordance with §141.27(a)(1) and (2), the school only needs to have a **TOTAL of 10 student completions** for the entire school. The 10 student completions don't have to be in each course.

A school must have at least TOTAL 10 student completions to meet the renewal requirements; And as a follow up question, YES a student who satisfactorily completes a knowledge test and that same student also satisfactorily completes a practical test counts as 2 students. Yes, if a school only can show a total 5 students and each student completes a knowledge test and a practical test that equals out to be 10 student completions. Read §141.5(d), in pertinent part, and in effect implied by §141.83(a)(2) “. . . for a knowledge test **OR** practical test for a pilot certificate, flight instructor certificate, ground instructor certificate, an additional rating, an end-of-course test for a training course specified in appendix K . . .”

The wording of this new §141.27(a)(2) states, in pertinent part, "A pilot school may have its school certificate and ratings renewed for an additional 24 calendar months if the Administrator determines the school's personnel, aircraft, facility and airport, approved training courses, training records, and **RECENT TRAINING ABILITY AND QUALITY MEET THE REQUIREMENTS OF THIS PART.**"

To further explain this rule, the FAA stated in the preamble of the Notice of Proposed Rulemaking (60 FR 41216; August 11, 1995):

“ . . . the FAA proposes to revise the quality of training from 8 of 10 of the most recent graduates pass rate to an 80 percent requirement.”

Additionally, the FAA stated in the preamble of the Notice of Proposed Rulemaking: “Revises the requirements for renewing a pilot school requirement and rating. A pilot school would be required to have trained and recommended at least 10 students for a practical or knowledge test for a pilot, flight instructor, or ground instructor certificate or rating, and at least 80 percent of the students must have passed the test on the first attempt . . . an end of course test for a training course in Appendix K.”

{q&a-125}

PART 141.33 Personnel

QUESTION 2: §141.33(d) is the use of the term "students" the same as the use of the term in §141.5(d)? Would 25 persons each of which enrolled in two courses in a school meet the requirements for 50 students for the purpose of qualifying for a check instructor.

ANSWER 2: Ref. §141.33(d)(2); No, 25 students enrolled in one course and then again the same 25 students counted again in another course does not equate to the ". . . a student enrollment of at least 50 students . . ." The school must have a ". . . a student enrollment of at least 50 students at the time designation is sought."

QUESTION 4: §141.33(a)(1) [i.e., certificated ground instructor---now reference the use of an un-certificated ground instructor in a classroom under the supervision of a chief instructor, §141.81(b). Can a fully qualified flight instructor not holding a ground instructor certificate be assigned the duties of a chief ground instructor?

ANSWER 4: Ref. §141.33(a)(1) and §61.193; Yes, a certificated flight instructor with the appropriate flight instructor ratings may be assigned as a chief instructor for a ground school course. The rationale here, is the certificated flight instructor with the appropriate rating(s) can do both ground training and flight training.

Per §61.193, "... A person who holds a flight instructor certificate is authorized within the limitations of that person's flight instructor certificate and ratings to give training and endorsements that are required for, and relate to . . ."

{q&a-401}

QUESTION 1: Ref. §141.33(a); Situation is I have received a multi-media video from a school who is seeking Part 141 approval for its Private Pilot Certification Course for an Airplane Single Engine Land Rating. On the video the school's owners are teaching the ground school course and we are uncertain of their qualifications. There are other actors also teaching certain portions of the ground school course and we don't know their qualifications. Do the actors on the multi-media video have to meet the qualification requirements of §141.33(a)? Otherwise, do these actors need to hold a ground instructor certificate or flight instructor certificate?

ANSWER 1: No, the actors on the multi-media video do not have to meet the qualification requirements of §141.33(a) nor do they need to hold a ground instructor certificate or flight instructor certificate. Section 141.33(a) does not apply to these actors on the multi-media video. Section 141.33(a) only applies to those instructor personnel who are assigned to the school's course.

{q&a-218}

QUESTION 2: Reference §141.33(a)(1). Can a school appoint more than one chief instructor for the same course. For example, a school has 2 satellite bases and they want chief instructors at those satellite bases. The main school facilities and the 2 satellite bases have approval to teach the Private Pilot Certificate-Airplane Single Engine Land course.

ANSWER 2: No place in Part 141 does it prohibit a school from appointing more than one chief instructor. So the answer is yes, a Part 141 can appoint more than one chief instructor for a course of training.

{q&a-106}

QUESTION 2: Reference FAR 141.33 (d)(2): Does the requirement for 50 students mean only 141 students or can 61 students be used to fulfill the requirement?

ANSWER 2: It means 141 students.

{q&a-74}

141.35 Chief instructor qualifications

QUESTION 2: Ref 141.35 (e) Can a Training Center (part 142) flight instructor meet the requirements of 141.35(e) with time instructing for the Training Center?

ANSWER 2: Ref. §141.35(e); Yes, a person who can show flight instructor employment at a Part 142 training center and who instructed in an approved course meets the eligibility requirements of paragraph (e) of §141.35. The person must have "... 1 year of experience as a ground school instructor at a certificated pilot school." And yes, 1 year of experience as a flight instructor at an approved Part 142 training center equates to "... 1 year of experience as a ground school instructor . . ."

{q&a-424}

QUESTION 1: Do knowledge tests as used in §141.35(a)(3) have to meet the §61.1(b)(11) definition ?

ANSWER 1: Ref. §141.35(a)(3) and FAA Order 8700.1, page 143-1, paragraph 7.C.(4); No. The meaning of "... knowledge test. . ." as in §141.35(a)(3) is governed by FAA Order 8700.1, page 143-1, paragraph 7.C.(4). However, the ASI conducting the chief instructor applicant knowledge test may utilize an oral test or a written test, as long as the test covers "(i) Teaching methods; (ii) Applicable provisions of the "Aeronautical Information Manual"; (iii) Applicable provisions of parts 61, 91, and 141 of this chapter; and (iv) The objectives and approved course completion standards of the course for which the person seeks to obtain designation."

QUESTION 5: Per §141.81(b), it permits a person who does not meet the instructor qualification requirements of paragraph (a) of §141.81 to be assigned ground training duties if the chief instructor supervises the

person giving the training. Can this person ever be elevated to being the chief or assistant chief instructor of a ground training course?

ANSWER 5: Ref. §141.35 and §141.36; No, a person who does not meet the instructor qualification requirements of paragraph (a) of §141.81 cannot be elevated to a chief or assistant chief instructor position. To be assigned as a chief or assistant chief instructor, that person must meet the appropriate qualification requirements of §141.35 and §141.36, as appropriate.
{q&a-401}

QUESTION 2: In order for a person to be eligible for designation as a Chief Instructor or Assistant Chief Instructor for a ground school course, a person must have 6 months of experience as a ground school instructor at a certificated pilot school. Can this person have been only a flight instructor at a certificated pilot school, because as you know flight instructors at a certificated pilot school also give ground training during flight training?

ANSWER 2: Ref. §141.35(e) and §141.36(e); Yes, a flight instructor at a certificated pilot school may also be eligible for designation as an Chief Instructor or Assistant Chief Instructor for a ground school course, provided that flight instructor has 6 months of experience giving ground school instruction at a certificated pilot school. And yes, that includes the ground training given during flight training by a flight instructor.
{q&a-270}

QUESTION 2: Ref. §141.35(e); Can a flight instructor who during the course of training (i.e., an FAA-approved Part 141 course of training) teaches some ground training during the flight portion of the course of training use that experience in meeting the provisions of §141.35(e) [i.e., “. . . must have 6 months of experience as a ground school instructor at a certificated pilot school.”]

ANSWER 2: The answer is yes, a flight instructor who can show experience “. . . as a ground school instructor at a certificated pilot school” while providing ground instruction during the flight portion of the training course at the certificated pilot school may use that experience for meeting the requirements of §141.35(e).
{q&a-247}

QUESTION: Need a reading on 141.35(c)(3) regarding experience required to be a chief flight instructor for the instrument rating course.

The person involved is the owner of the 141 school who was an instructor in the pilot training department at Horizon Airlines for over seven years. According to the regulation, he would either need to have experience as a CFII or have experience teaching in the military. He didn't do either of these, but I believe that he is certainly qualified since he taught at a 135/121 air carrier. I would think that his instructing experience surely would meet the intent of the regulation and should be acceptable. What do you think?

ANSWER: Ref. §141.35(c)(3); Yes, the person is qualified to apply to be the school's Chief Instructor.

In reviewing §141.35(c)(3), the key words here are “Instrument flight instructor experience, acquired as either a certificated flight instructor-instrument . . . consisting of at least . . .” The rule doesn't state where that instrument flight instructor experience had to be gained. It can be gained at an FBO as a CFII, free-lance instructor as a CFII and, provided the person held a CFII, as a company flight instructor in a Part 121 or 135 operation giving instrument instruction. As long as the applicant can document that he or she has the following experience as a certificated flight instructor-instrument then that should be adequate:

- (i) 2 years and a total of 250 flight hours; or
- (ii) 400 flight hours.

So if this applicant has the experience you described in your inquiry (i.e., “. . . since he taught at a 135/121 air carrier . . .”) then that should be sufficient. But make sure, you document the applicant's experience meets the experience requirements of subparagraphs (i) or (ii) of §141.35(c)(3).
{q&a-205}

QUESTION: What is meant by the term "primary flight training experience" that is contained in §141.35(b)(2)?

ANSWER: §141.35(b)(2) states:

(2) Primary flight training experience, acquired as either a certificated flight instructor or an instructor in a military pilot flight training program, or a combination thereof, consisting of at least —

The term "primary flight training experience" means flight training that was given to student pilots, private pilot applicants, commercial pilot applicants, instrument rating applicants, airline transport pilot applicants, flight instructor applicants in which basic flight training maneuvers and procedures are taught. Or in the case of a military pilot flight training program, flight training experience to military pilot applicants for qualification in which basic flight training maneuvers and procedures are taught.

{q&a-203}

141.36 Assistant chief instructor qualifications

QUESTION: The question is can a person holding only a Ground Instructor Certificate act as Assistant Chief Instructor at a satellite that conducts ground training only?

I am the POI for a college, Texas State Technical College (TSTC), that holds a Part 141 Certificate for ground and flight training. Another nearby college, Baylor University, offers non FAA approved aeronautical ground courses and no flight training. The Baylor students wanting to pursue flight training at TSTC are only able to get credit for 25% of the ground training curriculum at TSTC under § 141.77(c)(2).

I have recommended that TSTC and Baylor University work out an agreement for Baylor University to be a Satellite of TSTC's certificate and conduct TSTC's approved ground training courses only. The response was that Baylor University cannot produce an Assistant Chief Instructor that meets the requirements of § 141.36. They can produce an Assistant Flight Instructor that meets the requirements of § 61.185(b)(3), Flight Instructor Aeronautical Knowledge: A person employed as a teacher at an accredited college or university. That person will obtain a Ground Instructor Certificate.

ANSWER: Ref. §141.36(e); To qualify for an assistant chief instructor for a ground training course, the person must meet the eligibility qualifications of § 141.36(e) which states: "To be eligible for designation as an assistant chief instructor for a ground school course, a person must have 6 months of experience as a ground school instructor at a certificated pilot school."

{q&a-414}

QUESTION: Can the Assistant Chief practical test required by 141.36 be given by the school? The only document which specifically states that the test required by FAR 141.36 must be given by an Aviation Safety Inspector is FAA Order 1 paragraph 7(c). A person might indeed argue that a non FAA employee is not bound by FAA Orders, but it is the inspector who does the certification and surveillance, and he/she is bound by the FAA Order. Nowhere in FAR 141 does it say that a Chief Flight Instructor, or other school official, may administer the required test to a designated Assistant Chief. The regulation therefore implies that the test must be given by an FAA Inspector. It appears that if a 141 school designates an assistant chief flight instructor, and that designee does not complete the required test, from an FAA Inspector, and that designee certifies any training records, performs any phase checks, etc. that only a real chief flight instructor is empowered to do, the school is in violation of FAR §141.

ANSWER: Ref. §141.21 and §141.36(a)(3) and (4) and Order 8700.1, page 143-1, paragraph 5.B. and C. and 7.C. He has to take the tests with an FAA Aviation Safety Inspector. And as far as the authority for the FAA to test the school's assistant chief instructor, failure to comply with Order 8700.1 is a violation of §141.21.

{q&a-161}

PART 141.37 Check instructor qualifications

QUESTION: We're having a deep discussion out here regarding the class medical required for a 141 school assistant chief flight instructor. Reading the preamble, it says that references to medical certificate requirements in section 141.37 were deleted from the final rule.

One argument is this brings us to the basic presumption that if a commercial pilot certificate is a requirement under the FAR (which it is), then a second-class medical is required.

Another argument is that the assistant chief flight instructor is being paid as a CFI, not a commercial pilot, therefore he/she is not flying for hire (commercial pilot). The syllabus states that all phase checks of pilots enrolled in the school's Private Pilot Certification Course are dual instruction flights even though the student is being tested. The assistant chief flight instructor must simply be the PIC, and to act as PIC he/she only needs a 3rd class medical.

The question is, does the Assistant Chief Instructor need to possess a valid second class medical certificate, or can he possess just a valid third class medical certificate, which he does have?

ANSWER: Ref. §61.23(a)(3)(iv); An assistant chief flight instructor, and even a chief flight instructor of a Part 141 school, **need only hold a 3rd class medical certificate**. The second "argument" is valid.

However, don't forget the provisions of §61.23(b)(5), because in that situation:

". . . A person is not required to hold a medical certificate . . . When exercising the privileges of a flight instructor certificate if the person is not acting as pilot in command or serving as a required pilot flight crewmember. . ."
{q&a-143}

QUESTION 2: FAR 141.37 (b)(2) states that the Check Instructor has to be approved by FAA, but it does not say this has to be in writing. My thought is that it should be. Do you agree?

ANSWER 2: Reference §141.37(b)(2): No, it does not have to be in writing from the FSDO. When we wrote that requirement, we wanted to make it as easy for the school and the FSDO as possible. Less paperwork is the best way as far as we are concerned. However, §141.37(b)(1) does state "Be designated, in writing, by the chief instructor . . ." Meaning, it has to be writing and on file at the school.
{q&a-117}

QUESTION: We need the definition of "Principal Instructor". We have our opinion but I think this is to critical for opinion's. How about going back to the regulation framer's and getting one for us. This rule could have a large impact on certain operators.

ANSWER: The term "principal instructor" is not defined in Part 141. However, the term "principal instructor" is contained in the text of §141.37(c)(1) and states "A check instructor may not conduct a stage check or end-of-course test of any student for whom the check instructor has:

- (1) Served as the principal instructor; or
- (2) Recommended for a stage check or end-of-course test.

The intent of §141.37(c)(1) was to prevent an instructor from endorsing his or her own student for a stage or end-of-course test and then also perform the test as the Check Instructor. Our intent here was to place restrictions on the Check Instructors that are similar to the requirement placed on DPE's (i.e., Order 8710.3C, paragraph 5.).

Order 8710.3C does not permit DPE's to conduct practical tests on their own students for whom they signed off. It requires the last 3 hours to be given by another instructor who signs the applicant's application that actually authorizes the applicant to take the practical test.

Therefore, in answer to your specific question, a check instructor who recommends a student for the stage or end-of-course test may not also conduct the stage or end-of-course test on that student.

Additionally, if a check instructor conducts the stage or end-of-course test on a student, then the last 3 hours of training prior to the stage or end-of-course test must have been conducted by another instructor and that instructor must be the one that recommended the student for the stage or end-of-course test.

{q&a-25}

141.38 Airports

QUESTION 3: Do the provisions for non-permanent or shoreline lighting apply to airports where ASEL training is taking place or is that provision for seaplane training only?

ANSWER 3: Ref. § 141.38(f), The rule says airport or seaplane base for ". . . seaplanes . . ." So the rule could not be applied to training in airplane single engine land. The provision is for seaplanes only.
{q&a-424}

141.39 Aircraft

QUESTION 1: Ref. §141.39(b) and (c); Aircraft that hold a primary airworthiness certificate can be used in an approved Part 141 training course. As per FAR Part 43, it is permissible for the "pilot -owner", who holds at least a private pilot certificate and who has been trained by and has received a certificate of competency from an FAA-approved source to perform maintenance on primary category aircraft. As per Advisory Circular No.21-37, it permits the "pilot-owner" to perform a defined list of maintenance tasks identified on the type certificate data sheet or listed in the STC of a primary category aircraft. Is it permissible for "pilot -owner" to perform maintenance on their own primary aircraft that is used in an approved Part 141 training course?

ANSWER 1: Per §141.39(c), a "pilot -owner" is not permitted to perform maintenance on their own primary aircraft that is used in an approved Part 141 training course. As it states in §141.39(c):

"(c) Each aircraft must be maintained and inspected in accordance with the requirements under subpart E of part 91 of this chapter that apply to aircraft operated for hire;"

And when you read subpart E of Part 91, it directs you to FAR Part 43 (§43.7). And per FAA Order 8130.2C, Figure 4-12, page 108, paragraph 3, it states "No person may operate a primary category aircraft certificated under FAR 21.184 unless within the preceding 12 calendar months the annual inspection required by FAR 91.409(a) has been performed. A 100-hour inspection required by FAR 91.409(b) is required if the aircraft is used for rental or flight instruction for hire. The aircraft may only be returned to service by persons authorized by FAR 43.7."

OTHERWISE, it means any maintenance performed on a primary category aircraft that is used in a Part 141 training course MUST be performed by an appropriately qualified FAA-approved repair station or an appropriately qualified and rated FAA mechanic. However, if any of all want to continue to discuss the issue, you may contact Bob Henley, AAI-100, 202 267-9632. He was the project officer on the primary category aircraft.
{q&a-247}

QUESTION: Ref. §141.39(d); What are engine power controls? What is meant by "two pilot stations?" Are engine power controls the only controls that are required? What about rudder controls? How about brake controls? How about flight controls?

ANSWER: The old §141.39(d) stated:

"For use in flight instruction, it must be at least a two place aircraft having engine power controls and flight controls that are easily reached and that operate in a normal manner from both pilot stations."

The new §141.39(d) states:

"(d) Each aircraft used in flight training must have at least two pilot stations with engine-power controls that can be easily reached and operated in a normal manner from both pilot stations; and"

As you have noticed, there was a minor subtle change in the new §141.39(d) because the words “at least two pilot stations” were added in place of the words “two place aircraft” that was in the old §141.39(d). When the new §141.39(d) states “. . . at least two pilot stations . . .” it means, in effect, that the aircraft must be capable of being flown from either “pilot station.” Those words were specifically incorporated into the rule, because in the old §141.39(d) it was felt the words “two place aircraft” did not clearly state that both “places” had to have functioning dual controls. So we added the words “at least two pilot stations” to clarify this issue.

Does having “. . . at least two pilot stations . . .” mean the aircraft has to have functioning dual brake controls? The answer is yes, both pilot stations have to have dual controls for braking. But it is possible to have foot brakes on one of the pilot stations and then the other pilot station could have accessibility to a hand brake.

Engine power controls are just what it says, controls/levers/mechanisms that control the engines.

Yes, the aircraft requires separate rudder controls at each pilot station, because the rule has the words “. . . at least two pilot stations . . .”

Yes, the aircraft requires separate flight controls at each pilot station, because the rule has the words “. . . at least two pilot stations . . .” However, it is possible to give some training [review §91.109(a) and (b)(3)] to have a throwover control wheel in lieu of a fixed, dual controls.

{q&a-201}

PART 141.53 Approval procedures: General

QUESTION 2: Ref. §141.53(a); Now as a follow-on, some people have asked whether it is permissible for schools to make application for these so called “Professional Pilot Courses” under §141.57?

As an example, the scenario is a Part 141 school that is applying for a combined Private Pilot Certification Course-Airplane Single Engine Land Rating, Instrument-Airplane, and a Commercial Pilot Certification Course-Airplane Single Engine Land Rating. Otherwise, this Part 141 school wants to combine the requirements of Appendix B, Appendix C, and Appendix D of Part 141 into one syllabus. Is this possible under just ONE syllabus or does the school have to submit individual syllabuses for each rating?

ANSWER 2: The answer is yes, it is possible for these “Professional Pilot Courses” to be approved under ONE syllabus. However, it would require, as it states in §141.57, “. . . the applicant shows that the training course contains features that could achieve a level of pilot proficiency equivalent to that achieved by a training course prescribed in the appendixes of this part . . .” Otherwise, the breakdown in the course time would have to be as follows:

	Total in Each Phase	Dual Time	Solo Time
Appendix B:			
Ground 35			
Flight 35	35	20	5
Appendix C:			
Ground 30			
Flight 35	35	35	
Appendix D:			
Ground 35			
Flight 120	<u>120</u>	<u>55</u>	<u>10</u>
	190	110	15

However, the eligibility requirements for enrollment in the FLIGHT portions of the different phases of the course still apply. As in the case of the Private Pilot-ASEL portion of this syllabus, per Appendix B, paragraph 2 it states:

“2. Eligibility for enrollment. A person must hold a recreational or student pilot certificate prior to enrolling in the flight portion of the private pilot certification course.”

And as in the case of the Instrument Rating-Airplane portion of this syllabus, per Appendix C, paragraph 2 it states:

“2. Eligibility for enrollment. A person must hold at least a private pilot certificate with an aircraft category and class rating appropriate to the instrument rating for which the course applies prior to enrolling in the flight portion of the instrument rating course.”

As in the case of the Commercial Pilot-ASEL portion of this syllabus, per Appendix D, paragraph 2 it states:

“2. Eligibility for enrollment. A person must hold the following prior to enrolling in the flight portion of the commercial pilot certification course:

(a) At least a private pilot certificate; and

(b) If the course is for a rating in an airplane or a powered-lift category, then the person must:

(1) Hold an instrument rating in the aircraft that is appropriate to the aircraft category rating for which the course applies; or

(2) Be concurrently enrolled in an instrument rating course that is appropriate to the aircraft category rating for which the course applies, and pass the required instrument rating practical test prior to completing the commercial pilot certification course.”

QUESTION 3: Ref. §141.53; Do you approve “. . . a special course of pilot training . . .” as described in §141.57 just like you would any course of pilot training under Part 141?

ANSWER 3: Yes, you would approve “. . . a special course of pilot training . . .” just like it says in §141.57 “. . . a pilot school certificate or provisional pilot school certificate may apply for approval . . .” And §141.53 is the rule that establishes the general course approval procedures in Part 141. But for a detailed description of the approval procedures process for a Part 141 training course, FAA Order 8700.1, Volume 2, Chapter 142 is the appropriate reference. The only difference in approving a special course of pilot training is these training courses must contain features that could achieve a level of pilot proficiency equivalent to that achieved by “. . . a training course prescribed in the appendixes of this part or the requirements of part 61 of this chapter.” [i.e., §141.57] {q&a-246}

QUESTION 1: The scenario is a Part 141 school that is applying for a combined Private Pilot-Airplane Single Engine Land, Instrument-Airplane, a Commercial Pilot-Airplane Single Engine Land, and an add-on airplane multiengine land rating at the Commercial Pilot Certificate level. Otherwise this Part 141 school wants to combine the requirements of Appendix B, Appendix C, Appendix D, and Appendix I of Part 141 into one syllabus. Is this possible under just ONE syllabus or does the school have to submit individual syllabuses for each rating?

ANSWER 1: Ref. §141.53(a); The answer is yes it is permissible under just ONE syllabus. This format is exactly like those courses in the old Part 141 that were known as “The Professional Pilot Course.” Per §141.53(a), it states:

(a) General. An applicant for a pilot school certificate or provisional pilot school certificate must obtain the Administrator’s approval of the outline of each training course for which certification and rating is sought.

And the school is only seeking “. . . approval of the outline of each [ONE] training course . . .”

However, the eligibility requirements for enrollment in the flight portion of the different phases of the course still apply. As in the case of the Private Pilot-ASEL portion of this syllabus, per Appendix B, paragraph 2 it states:

“2. Eligibility for enrollment. A person must hold a recreational or student pilot certificate prior to enrolling in the flight portion of the private pilot certification course.”

And as in the case of the Instrument Rating-Airplane portion of this syllabus, per Appendix C, paragraph 2 it states:

“2. Eligibility for enrollment. A person must hold at least a private pilot certificate with an aircraft category and class rating appropriate to the instrument rating for which the course applies prior to enrolling in the flight portion of the instrument rating course.”

As in the case of the Commercial Pilot-ASEL portion of this syllabus, per Appendix D, paragraph 2 it states:

“2. Eligibility for enrollment. A person must hold the following prior to enrolling in the flight portion of the commercial pilot certification course:

(a) At least a private pilot certificate; and

(b) If the course is for a rating in an airplane or a powered-lift category, then the person must:

(1) Hold an instrument rating in the aircraft that is appropriate to the aircraft category rating for which the course applies; or

(2) Be concurrently enrolled in an instrument rating course that is appropriate to the aircraft category rating for which the course applies, and pass the required instrument rating practical test prior to completing the commercial pilot certification course.”

As in the case of the add-on airplane multiengine land course at the Commercial Pilot Certificate level, that portion of this syllabus, per Appendix I, paragraph 2 it states:

2. Eligibility for enrollment.

“A person must hold the level of pilot certificate for the additional aircraft category and class rating for which the course applies prior to enrolling in the flight portion of an additional aircraft category or additional aircraft class rating course.”

QUESTION 2: If it is permitted, what are the total minimum hours required for a course of training like this?

ANSWER 2: The total times in each phase of the course are as follows:

	Total in Each Phase	Dual Time	Solo Time
Appendix B:	35	20	5
Appendix C:	35	35	
Appendix D:	120	55	10
Appendix I:	<u>10*</u>	<u>10*</u>	—
	190 or 200	110 or 120	15

*Under this combined syllabus, it is permissible, depending how the syllabus is designed, to incorporate the add-on airplane multiengine land course at the Commercial Pilot Certificate level (Appendix I) into the Commercial Pilot-ASEL portion of this syllabus (Appendix D) and the course total time remains at 190 hours. You ask how? Ever notice the difference between adding the total dual and solo time vs. the Total Course Time. As for example, the Commercial Pilot Certification Course requires 55 hours of dual time and 10 hours of solo time. But the total course time calls for 120 hours of total time. You have a difference of 55 hours. How that difference of 55 hours is allocated between solo time and dual time is entirely up to the school. In fact, it is permissible for an individual lesson to be identified as “Solo or dual.” So when the student gets to that lesson in the course, if the student’s instructor believes the time would be better served performing solo flight then solo flight it will be. However, if the instructor believes the time would be better served performing a dual flight then dual flight it will be.

I realize for all of us, the way Part 141 has been rewritten, it gives the schools significant leeway in designing their courses. This is a change from the past. Part 141 was re-written that way to specifically allow schools to design their individual courses without Part 141 being over restrictive. We have to let the schools design their courses. The proof of the school’s success and the course’s success will come when we evaluate the student/pilot products during the phase checks and at the end of course completion time.

In approving training courses, the new Part 141 has reduced the need for a lengthy review process. To approve the training courses, you should only need to review the training courses to ensure conformity with §141.55 and then ensure the training course contents and times comply with the appropriate Appendix of Part 141. And if the course is submitted under §141.55(d) or (e), you needn’t worry about the course times. For those reduced course times, Part 141 has not established a standard. Believe me, if any school attempts to submit a completely ridiculous low

reduced time, §141.83(a)(2) should be brought to the school's attention [i.e. ". . . Provide training of such quality that meets the requirements of § 141.5(d) of this part. . ."] Otherwise, at the end of 2 years, the school better show an 80% first pass rate!

{q&a-192}

QUESTION 2: During this interim period (until 12:01am on August 4, 1998) until all Part 141 curriculums have to be approved under the new requirements, can schools maintain two courses for the same certificate and rating. As an example, can ABC Flight School have some of their students remain enrolled in its old Private Pilot-ASEL curriculum and also enroll student in their newly approved Private Pilot-ASEL curriculum?

ANSWER 2: Ref. §141.53(c)(1); Yes, but at 12:01am on August 4, 1998, all curriculums must be approved under the new Part 141 requirements and all students must be enrolled in those newly approved curriculums. And as was the case in answer 1 above, the students will receive 100% credit as long as they stay within the same school.

{q&a-141}

QUESTION 2: Can a student continue to train on an old syllabus after August 4 or must they transfer to a new syllabus, or just meet the new regulation graduation requirements OR are they grandfathered to be able to graduate under the syllabus requirements that they enrolled under?

ANSWER 2: Ref. §141.53(c)(1). At 12:01am on August 4, 1998 ALL students must graduate under the new curriculum requirements. No student may remain in the old curriculum after 12:01am on August 4, 1998.

{q&a-149}

QUESTION: With the new rule effective 8/4/97 - do currently certificated schools need to realign to the new rule or can they operate under the old until their certificate comes up for renewal?

ANSWER: New §141.53(c)(1) states: "Training Courses. A training course submitted for approval prior to August 4, 1997 shall, if approved, retain that approval until 1 year after August 4, 1997. Otherwise, ALL existing Part 141 pilot schools who have approval to operate under a Part 141 approved course of training retains that approval until August 4, 1998. However, if a school elected to receive approval under the new Part 141 requirements at 12:01 midnight on August 4, 1997 that would be permitted also.

{q&a-2}

QUESTION 6: A 141 school is still certificated under the old 141. Are they allowed to operate, other than their syllabus, under the new 141?

ANSWER 6: Read §141.53(c), it applies to training courses, not Part 141 school certification and operational requirements. Except for the training courses, on August 4, 1997 all our Part 141 schools became certificated under the new Part 141.

{q&a-74}

QUESTION: We presumed that when the requirements changed that all new applicants must meet the new numbers before being qualified. What can we use to assure we are passing on the right information for this and any future confusing points? We have a series of seminars scheduled for our flight instructors where we will cover Part 61 in depth, hopefully in its most accurate form.

ANSWER: The answer that we in AFS-840 have given on whether previously logged (i.e., prior to August 4, 1997) cross country time for the ATP certificate will still count even though it may not meet the new cross country definition, the answer is yes it will count. The FAA cannot go back and take time away from people, nor have we ever done that as far as I know in the past. So if a holder of a commercial pilot certificate who has logged cross country time under the old policy requirements prior to August 4, 1997, and is seeking to use that time for the cross country aeronautical experience for ATP certification, THE TIME WILL COUNT. Ensure the cross country time that the person is attempting to credit is legitimate under the old policy guidelines and it was credited after the person earned his or her commercial pilot certificate. However, on August 4, 1997 and from hereon out, any newly logged cross country time must meet the new cross country definitions.

There is no grace period under Part 61 for applicants not to have to meet the new Part 61 aeronautical experience requirements. Unless the applicant is a Part 141 graduate, if the checkride occurred on or after August 4, 1997 then the applicant must meet the new Part 61 requirements. Part 141 graduates are treated differently. In the new §141.53(c), schools have until August 4, 1998 to convert their courses over to the new Part 141 requirements. Once the school's course(s) convert over to the new Part 141 requirements, the grace period ends for Part 141 students who enroll in the new course(s). Even then, we anticipate that some Part 141 students who are enrolled in the old course(s) will need some time to finish their course(s) to completion.

But that grace period, for Part 141 graduates only, terminates at 12:00:01 am on August 4, 1998. If Part 141 graduates have not completed their training and finished their practical test by 11:59:59pm on August 3, 1998 then THE TIME IS UP. NO MORE TIME will be afforded to them.
{q&a-62}

QUESTION: I have reviewed your cc mail message of 07/23/97 regarding FAR 141.53(c)(1) as it applies to approved flight schools. I was not able to glean an answer for the following:

I have two FAR 141 flight schools operating under a provisional certificate which will not expire until 1999. My understanding from your memo is that effective 08/04/98 ALL flight schools will have to be renewed. Because these schools will have had their certificates less than two years, the schools will probably not have trained enough applicants to qualify for a standard school certificate by then. There is no allowance for the renewal of a provisional certificate. What are my options next August?

ANSWER: In our July 27 memo, we never said the school certificates had to be renewed. We said the "training courses" had to revert over to the new Part 141 requirements by August 4, 1998. As you well know, you don't renew school certificates every time you approve a revised "training course."
{q&a-63}

QUESTION: If an applicant fails the test under the old part 61, when he retakes the practical, does he have to meet the new rule. I've been told yes and no by FAA officials

ANSWER: If a student is retaking the practical test on or after August 4, 1997, then the applicant is required to meet the new Part 61 requirements.

There is one exception, if the applicant is a graduate of a Part 141 school, then §141.53(c)(1) provides that "A training course submitted for approval prior to August 4, 1997 shall, if approved, retain that approval until 1 year after August 4, 1997." Otherwise, Part 141 schools have until August 4, 1998 to get their courses approved.
{q&a-52}

QUESTION: Is a student enrolling in September 1997 in a Part 141 school required to have a student certificate before beginning flight training? The TCO has no enrollment requirements for the Private Pilot Certification Course. The Jeppesen syllabus states on pg. 2-2. "There are no specific prerequisites for enrolling in the course and beginning your training." However, now Part 141, Appendix B 2 requires a student or recreational pilot certificate for enrollment in the private course.

ANSWER: As it states in §141.53(c)(1) "A training course submitted for approval prior to August 4, 1997 must, if approved, retain that approval until 1 year after August 4, 1997." Otherwise, the TCO's that were approved under the old Part 141 remain in effect until 11:59:59 pm on August 3, 1998. At midnight, all schools have to have their TCO's approved in accordance with the new Part 141 and the old TCO's become obsolete.

So if any old TCO, approved under the old Part 141, didn't have any enrollment requirements then that is okay until 11:59:59 pm on August 3, 1998. But any new TCO, approved under the new Part 141, has to comply with the appropriate enrollment requirements. And in reference to the specific question you asked it says in the new Appendix B, paragraph 2 "A person must hold a recreational pilot or student pilot certificate prior to enrolling in the flight portion of the private pilot certification course."

It doesn't make any difference when the student enrolls, the school, in accordance with §141.53(c)(1), is permitted to continue to operate under the old TCO until 11:59:59 pm on August 3, 1998. And under the old TCO there were no enrollment requirements. Now if this school were to have requested and obtained approval of a new TCO on or after August 4, 1997 and the student is enrolled in one of these TCO's that has been approved under the new Part 141, then and only then would he/she be required to "...hold a recreational pilot or student pilot certificate prior to enrolling in the flight portion of the private pilot certification course."

{q&a-82}

PART 141.55 Training course: Contents

QUESTION 12: In the context of the reduced time for a course [§141.55 (d) and(e)] and your previous position (that I believe is correct) that for a student to be a "counter" to count toward final approval, the reduced time in the course cannot be exceeded. The student that exceeded the reduced time can graduate from the course but cannot be a "counter" for final approval. FAA Order 8700.1, chapter 142 states courses don't have maximum times.

ANSWER 12: Ref. §141.55(e)(2)(i) and (ii) and §141.77(a)(1); A student who does accomplish the approved course in the course's allotted time cannot be counted as a "counter" for the final approval process for a course of training that is submitted that does not specify the minimum ground and flight training time requirements of this part ("training to a standard" course). As you say, the student may still graduate by accomplishing the additional hours of training, but he/she cannot be counted as a "counter" for final course approval.

{q&a-401}

QUESTION 2: As a follow-on to Question 1 above, can the owner of the school, who also happens to be a pilot examiner, be allowed to conduct some or all of the practical tests during the initial approval process for the reduced course?

ANSWER 2: Ref. §141.55(d)(4)(ii); The answer is no. THE ANSWER IS STILL NO, even though I know the person is arguing that as an owner, he is not technically an employee. The intent of §141.55(d)(4)(ii) is to prohibit the use of an examiner that has ANY association, affiliation, employment, indirect or direct relationship, involvement, etc., etc. As per §141.55(d)(4)(ii), it states "An examiner who is not an employee of the school." In issuing §141.55(d)(4)(ii), the FAA specifically wanted to make sure that the "check and balance" system remained in effect. To do otherwise, would be like the ole saying "allowing the fox to guard the hen house." No, this owner/examiner cannot perform any of the practical tests.

{q&a-336}

QUESTION: In the past, when syllabi were approved, a certain amount of hours were allotted for each phase. It has been accepted practice through the years for a FSDO to accept a Jeppesen course at face value by stamping just the cover page. In 1997, Jeppesen issued their new courses with a statement that the listed times are not mandatory, but only for guidance, and only that the student has to meet the requirements of Part 141, Appendix B, to graduate. It may be possible, then, for a student to fly all the lessons, exceed the requirements of App B, yet not meet the hours listed in the tables.

We want to know if this blanket statement (i.e., "... that the listed times are not mandatory, but only for guidance, and only that the student has to meet the requirements of Part 141, Appendix B, to graduate") has been "approved" by AFS-800 in Washington?

ANSWER: Ref. §141.55(b) and (c)(7)(ii); Yes, it is permissible to submit a training course outline that has a statement "... that the listed times are not mandatory, but only for guidance, and only that the student has to meet the requirements of Part 141, Appendix B, to graduate ..."

However, don't misunderstand that statement to mean that an applicant can graduate from an approved course of training without meeting the approved course "total time" requirements [§141.77(a)(1)]. For example, if a specific lesson (e.g., Lesson No. 12) calls for 1.5 hours for that given lesson, but the student's training record shows only 1.2 hours flown for Lesson No. 12. That is permissible.

The rule [i.e., §141.55(b)] does not require each individual lesson time has to be met. The rule only requires the “total time” course requirements be met [§141.77(a)(1)]. So, if the course’s total time calls for 35 hours, then that student’s training record better show at least 35 hours in order for that student to be considered to have graduated from the course.
{q&a-229}

QUESTION 2: What is meant by the phrase “. . . or any combination thereof . . .” that is contained in §141.55(e)(2)(ii)?

ANSWER 2: The way the subparagraph (ii) of §141.55(e)(2) is structured and specifically the phrase “. . . or any combination thereof . . .” it is intended to go along with the phrase “. . . at least 10 students in that training course . . .” that is contained in subparagraph (i) of §141.55(e)(2). Otherwise, the rule requires 10 actions in EACH training course for which approval is sought. For example, if a school is applying for a reduced Private Pilot-Airplane Single Engine Land flight training course then the school would have to prove their course by having 10 student completions in THAT course. And if the school is applying for a reduced Private Pilot-Airplane ground training course then the school would have to prove their course by also having 10 student completions in THAT course.

In answer to your other question, it is NOT acceptable [nor was it ever the intent of §141.55(e)] for a school to apply for 10 reduced training courses [i.e., Recreational Pilot-Airplane ground training course; Recreational Pilot-ASEL flight training course; Private Pilot-Airplane ground training course; Private Pilot-ASEL flight training course; Instrument Rating-Airplane ground training; Instrument Rating-Airplane flight training course; Commercial Pilot-Airplane ground training course; Commercial Pilot-ASEL flight training course; Add-on AMEL rating flight training course at the Commercial Pilot level; and an add-on helicopter rating flight training course at the Commercial Pilot level, etc.] and then just have one applicant evaluated for all those courses. Just like it says in subparagraph (i) of §141.55(e)(2) “. . . at least 10 students in that training course . . .” The school must have 10 students in EACH training course that it seeks approval.

And in answer to your other specific question on this issue, no it is NOT acceptable [nor was it ever the intent of §141.55(e)] for a school to submit a Professional Pilot Course that encompasses all the courses that were previously mentioned in the preceding paragraph, and then have the applicant only take just one practical test for all the courses. No, it’s NOT acceptable!

Section 141.55(e)(2) states:

- (2) The school has —
 - (i) Trained at least 10 students in that training course within the preceding 24 calendar months and recommended those students for a pilot, flight instructor, or ground instructor certificate or rating; and
 - (ii) At least 80 percent of those students passed the practical or knowledge test, or any combination thereof, on the first attempt, and that test was given by —
- {q&a-202}
-

QUESTION 7: School ABC has presented new TCO's which contain syllabi that state the breakdown of the training time the student receives. The Private Pilot Airplane Flight Training Syllabus, for example, shows the total flight training of 35 hours, which includes total dual of 20 hours, cross country instruction of 3 hours, night instruction of 3 hours, instrument instruction of 3 hours, instruction in preparation for the practical test of 3 hours, and total directed solo flight training of 5 hours. Will this suffice, or must each lesson specifically show the "planned time for completion" as required by §141.55(c)(7)(ii)?

ANSWER 7: Ref. §141.55(c)(7)(ii); No, it is not appropriate just to list the total times. The syllabus should show the planned times for each lesson which when added up should equal up to the total times for the syllabus.

As per §141.55(c)(7)(ii):

- “(7) A training syllabus that includes the following information —
* * * * *

- (ii) A detailed description of each lesson, including the lesson's objectives, standards, and planned time for completion;"

Furthermore, in reality a pilot applicant may go over in time in some lessons and may go short in some lessons, but upon completion of the course the individual times should equal the total times. The reason I say this is because I've received some questions recently where I was asked whether it was a violation of §141.77(a)(1) for a school to graduate a pilot applicant who was 6 minutes short in lesson No. 6 and 8, but the applicant went over 12 minutes in lesson 12. Otherwise, the total time still equaled out in the end to the required total time, but the individual lesson times were slightly off. So yes, it is okay for that to have occurred.

{q&a-195}

QUESTION 2: Ref. §141.55(e); Once a pilot school receives final approval of a training course, can the school use examiners that may also be employees of the school?

ANSWER 2: Ref. §141.55(e); Yes, the school can then use its own examiners after it receives final approval of its training course.

{q&a-136}

QUESTION: May I receive examining authority for a course of training that allows a student to graduate the course, having met the 141 minimum flight training requirements, without meeting the ground and flight times recommended in the approved course of training. The intent is to write a TCO that complies with 141.63(b)(4), ensuring the student meets the time requirements of 141) but allow the student complete with less than the times in the TCO; I'd like to write a TCO for the average student, that allows students who learn faster, but meet the minimum 141 requirements to graduate, without meeting the times in the TCO. We would meet 141.77 (b) ".all of the curriculum requirements." by stating in the TCO the student MUST at least meet the 141 minimums.

ANSWER: Reference §§141.77(a)(1) and 141.55(d) or (e); The answer is **NO**.

But I wonder why you say "... have met the 141 minimum flight training requirements ..." and then turn around and say "... without meeting the ground and flight times recommended in the approved course of training." In fact, even if a school has a course approved in accordance with §141.55, the school still must comply with §141.77(a)(1).

Either way the answer is NO.

{q&a-130}

QUESTION: A Designated Pilot Examiner (DPE) claims he does not meet the legal definition of employee with respect to a Part 141 Flight School, but is only a contractor, and should, therefore, be able to administer tests to the school's students as a DPE.

The cover memo from the FSDO says this DPE has been associated with the school for several years, holding such positions as Chief Flight Instructor, Airman Certification Representative (ACR), and is now an Assistant Chief Flight Instructor. He has been responsible for hiring and firing employees, writing Training Course Outlines, developing safety procedures, operating procedures and policies for the school. He now teaches ground school, conducts some flight training in both aircraft and flight training devices, and gives stage tests.

Could this DPE have been considered a "contractor" and now be eligible to administer tests to the school's students as a DPE?

ANSWER: The answer is **NO, that examiner may not be used**. Reference §141.55(d)(4)(ii) and (e)(2)(ii)(B) which states, in pertinent part, [i.e., "... who is not an employee of the school]. Your question, in effect, is trying to say the word "... employee of the school" is different than a person who is a "contractor" with the school. Again, the answer is that examiner cannot be used to conduct practical tests under §141.55(d) and (e).

Our intent in drafting this rule was to imply a very broad interpretation on the word "employee." In effect, the intent of the word "employee" is synonymous with "cannot be associated with the school in any form or manner," "completely independent of the school," "completely unaffiliated with the school," etc. Otherwise, the examiner must be completely unaffiliated with the school. We want the test to be done by an examiner who can show the same independence from the school as an FAA Inspector. We want the test to be done by an examiner who is completely and entirely impartial and unbiased.

{q&a-123}

QUESTION 4: In a Part 141 course that has been approved with “planned ground and flight training” as per § 141.55(d) and (e), can the school when it believes the student can meet the standards and can pass the practical test, can the student be permitted to take the practical test without first having accomplished all of the course’s “planned ground and flight training” and take the test with one of the school’s examiners?

ANSWER: No; per §§ 141.55(d)(3), (4)(ii), (e)(3) and (4) and 141.95 (a).
{q&a-4}

QUESTION 3: Is it legal if I submit a combined course that called for 55 hours for the private pilot phase, 45 hours for the instrument phase, and but only 90 hours for the commercial phase?

ANSWER 3: Yes, however, because your commercial phase of your combined course only has 90 hours, §141.55(d) and (e) states:

(d) A pilot school may request and receive initial approval for a period of not more than 24 calendar months for any of the training courses of this part without specifying the minimum ground and flight training time requirements of this part, provided the following provisions are met:

(1) The school holds a pilot school certificate issued under this part and has held that certificate for a period of at least 24 consecutive calendar months preceding the month of the request;

(2) In addition to the information required by paragraph (c) of this section, the training course specifies planned ground and flight training time requirements for the course;

(3) The school does not request the training course to be approved for examining authority, nor may that school hold examining authority for that course; and

(4) The practical test or knowledge test for the course is to be given by —

(i) An FAA inspector; or

(ii) An examiner who is not an employee of the school.

(e) A certificated pilot school may request and receive final approval for any of the training courses of this part without specifying the minimum ground and flight training time requirements of this part, provided the following conditions are met:

(1) The school has held initial approval for that training course for at least 24 calendar months.

(2) The school has —

(i) Trained at least 10 students in that training course within the preceding 24 calendar months and recommended those students for a pilot, flight instructor, or ground instructor certificate or rating; and

(ii) At least 80 percent of those students passed the practical or knowledge test, or any combination thereof, on the first attempt, and that test was given by —

(A) An FAA inspector; or

(B) An examiner who is not an employee of the school.

(3) In addition to the information required by paragraph (c) of this section, the training course specifies planned ground and flight training time requirements for the course.

(4) The school does not request that the training course be approved for examining authority nor may that school hold examining authority for that course.

QUESTION 4: Follow on to Q3, does that mean I can’t ever get examining approval for my combined course.

ANSWER 4: That is correct, you cannot get examining approval for the course. And the reason this rule was established was because if we the FAA allow you to submit a course with less than the required hour requirements of Appendix D, we certainly aren’t going to let you control the testing standards also. It is a check and balance system by not allowing the company to control both the training and testing standards.
{Q&A-31}

PART 141.57 Special curricula

QUESTION 1: Situation, a Part 141 school wants a pilot course of training titled the “Professional Pilot Course” that incorporates the Private Pilot - Airplane Single Engine Land rating, Instrument Rating-Airplane (in a single engine airplane), and Commercial Pilot - Airplane Single Engine Land rating all into one complete course. He wants

the course approved under §141.57, but in addition he wants the course approved under the reduced times, as per §141.55(d). The school has submitted the course for a reduced time of 170 hours. This is 20 hours fewer than 190 hours which is the total hour requirements of adding Appendix B, C, and D. Can we approve a course under §141.57 and still afford the school the reduced hour provisions of §141.55(d)?

ANSWER 1: Ref. §141.55(d)(3) and §141.57; No, it is not permissible to approve an overall reduced course time (i.e., "Professional Pilot Course"). However, the school may apply individually for a reduced course time. Which means, the school can apply for a reduction of the times for the Private Pilot Certification - Airplane Single Engine Land rating phase, the Instrument - Airplane Rating phase, and the Commercial Pilot Certification - Airplane Single Engine Land rating phase. But again, each phase has to be applied for on an individual phase basis. {q&a-336}

QUESTION 1: Ref. §141.57; Explain what "... a special course of airman training for which a curriculum is not prescribed in the appendixes of this part ..." means in §141.57. Does it permit a school make application for a course of training for a Private Pilot Certification Course for an Airplane Single Engine Land rating that differs from a Private Pilot Certification Course for an Airplane Single Engine Land rating of Appendix B?

ANSWER 1: Since you have not qualified your answer, I'm going to say the answer is no. But please read this answer thoroughly, because there are many, many situations where the answer would be YES.

The rule doesn't permit a school to make application for a course of training for a Private Pilot Certification Course for an Airplane Single Engine Land rating, because as it states in §141.57, "... for which a curriculum is not prescribed in the appendixes of this part ..." However, if a school wants to make application for approval for a Private Pilot Certification Course that varies in course times from the Appendix B of Part 141 requirements, then §141.55(d) and (e) provides for "a pilot school may request and receive [initial/final] approval ... for any of the training courses of this part without specifying the minimum ground and flight training time requirements of this part, provided the following provisions are met:"

Now for some thoughts that may fit the provisions of "§141.57 Special curricula:"

Currently today, Embry Riddle Aeronautical University has approval for two courses of training for a combined Private Pilot Certification Course for an ASEL rating with an Instrument-Airplane rating for the Advanced General Aviation Transport Experiment (AGATE) airplane. ERAU made application for approval for those courses under §141.57. In those courses, the student receives both Private Pilot-ASEL training and Instrument-Airplane training concurrently. These training courses involve time in a single engine airplane, in a flight training device, and in a personal computer advanced training device (PCATD). Just like it states in §141.57, "... a special course of airman training ..."

Furthermore, it is acceptable for a Part 141 school to make application under §141.57 for "... a special course of airman training ..." for the different pilot certificate levels (Recreational Pilot through ATP or even Flight Instructor) where the school's course of training is for Flight Training Only. Otherwise the school's course of training is not approved for ground training. However, the enrollment prerequisites would require satisfactory completion of the appropriate knowledge test(s). We have provided in Appendix L of Part 141, the provisions for a Pilot Ground School Course but the provision for a "Flight Only Course" for one of the Part 141 pilot certification courses would be applied for under §141.57.

The provision of §141.55 (b) states that "each training course for which approval is requested must meet the minimum ground and flight training time requirements in accordance with the appropriate appendix of this part." The stated exception is paragraph (d) and (e) of §141.55 that permits approval for reduced course times. The fact that we have Appendix L of Part 141 provides for a course that is not in full compliance with §141.55 (b) [i.e., Ground Training Only]. In considering the above, I must emphasize the content of §141.77 (a)(1), which states in pertinent part, "... Completed the training specified in the school's course of training ..." Section 141.77(a)(1) doesn't permit a student to receive a graduation certificate for just completing the flight portion of a course that has been approved for both ground and flight training. Section 141.77(a)(1) requires that the student complete the entire course, which means completion of both the course's ground and flight training. With this in mind, the use of "§141.57 Special curricula" for making application for a "Flight Training Only" course would be appropriate. The content of 141.57 directs the user to use the appropriate appendix of Part 141 to determine the pilot proficiency level. For example, if a Part 141 Pilot School wants approval for a course of training for a "Private Pilot

Certification Course - Airplane Single Engine Land Rating (Flight Training Only)" to be taken in concert with a (local) University's ground school course [i.e., "Private Pilot Certification Course - Airplane Single Engine Land Rating, Ground Training Only"], the content of the "Private Pilot Certification Course - Airplane Single Engine Land Rating (Flight Training Only)" portion of the course would come directly from Appendix B, but would exclude the training of paragraph 3 of Part 141, Appendix B, that requires the aeronautical knowledge training.

Another use of "§141.57 Special curricula" is the authority for a Part 141 to make application for ". . . a special course of airman training . . ." that has similar objectives of the now defunct, "Test Preparation Courses" (i.e., the old Appendixes B and E of Part 141).

As I've said when answering many of the questions on Part 141:

I realize for all of us the way Part 141 has been rewritten, it gives the schools significant leeway in designing their courses. This is a change from the past. Part 141 was re-written that way to specifically allow schools to design their individual courses without Part 141 being over restrictive. We have to let the schools design their courses. The proof of the school's success and the course's success will come when we evaluate the student/pilot products during the phase checks and at the end of course completion time. In approving training courses, the new Part 141 has reduced the need for a lengthy review process.

{q&a-246}

QUESTION 1: I have a situation where a school is requesting Part 141 approval to teach only the aeronautical knowledge areas (i.e., ground training only) for a Private Pilot Certification Course-Airplane Single Engine Land. The school only intends to teach the ground training for a Private Pilot Certification Course-Airplane, so as to prepare the applicant for the knowledge test. The school has no intentions of ever teaching the areas of operation (i.e., Part 141, Appendix B, paragraph 4 and 5) for the Private Pilot Certificate practical test. The school doesn't even own or lease an airplane. The school's facilities are located in a suite of offices on the 10th floor of a bank building in downtown Oklahoma City, OK. Is this permissible? If it is permissible, how would you record it on the school's Air Agency Certificate? Or would you only record it on the FAA Form 8420-8 "Application for Pilot School Certificate" on the section of the form titled "Identification of Training Courses?"

ANSWER 1: §141.57; Yes, an Air Agency Certificate may be issued to a school that only teaches the aeronautical knowledge areas (i.e., ground training only) under §141.57. On the school's Air Agency Certificate, you would list approximately 2/3 of the way down on the certificate under the verbiage "with the following ratings:"

Private Pilot Certificate - Airplane Single Engine Land (Ground Training Only)

NOTE: In this situation where the school is only seeking Part 141 approval for the ground training portion for the Private Pilot Certification Course-Airplane TCO, the flight training does not necessarily need to be conducted under Part 141. It may be conducted under Part 61. There are no rules in Part 141 or policy directives in FAA Order 8700.1 that require the flight training to be taught under Part 141.

Now it could be argued that under §141.55(a) and (b) it requires a school to be approved for both ground and flight training. Because in §141.55(a) and (b), it states:

- (a) Each training course for which approval is requested must meet the minimum curriculum requirements in accordance with the appropriate appendix of this part.
- (b) Except as provided in paragraphs (d) and (e) of this section, each training course for which approval is requested must meet the minimum ground and flight training time requirements in accordance with the appropriate appendix of this part.

So I can understand where it could be argued that a school cannot just apply for the ground training only. However, in accordance with §141.57 (which is why this rule was designed and it was designed for this very kind of situation), it states:

An applicant for a pilot school certificate or provisional pilot school certificate may apply for approval to conduct a special course of airman training for which a curriculum is not prescribed in the appendixes of this part, if the applicant shows that the training course contains features that could achieve a level of pilot

proficiency equivalent to that achieved by a training course prescribed in the appendixes of this part or the requirements of part 61 of this chapter.

Therefore, the answer is yes it's permissible for an Air Agency Certificate to be issued to a school that only teaches the aeronautical knowledge areas (i.e., ground training only) under §141.57.

QUESTION 2: I have a situation where a school is requesting Part 141 approval to only teach the areas of operation (i.e., flight training only) for a Private Pilot Certification Course-Airplane Single Engine Land. The school only intends to teach the flight training, so as to prepare the applicant for the practical test. The school has no intentions of ever teaching the aeronautical knowledge areas (i.e., Part 141, Appendix B, paragraph 3) for the Private Pilot Certificate knowledge test. Is this permissible? If it is permissible, how would you record it on the school's Air Agency Certificate? Or would you only record it on the FAA Form 8420-8 "Application for Pilot School Certificate" on the section of the form titled "Identification of Training Courses?"

ANSWER 2: §141.57; Yes, an Air Agency Certificate may be issued to a school that only teaches the areas of operation (i.e., flight training only) under §141.57. On the school's Air Agency Certificate, you would list approximately 2/3 of the way down on the certificate under the verbiage "with the following ratings:"

Private Pilot Certificate - Airplane Single Engine Land (Flight Training Only)

However in this situation, in accordance with §141.55(c)(7)(i) as a prerequisite for enrollment, the school must state in their training syllabus (as an example):

"a. To enroll in ABC Aviation School's flight training curriculum, the student must be concurrently enrolled in a ground training curriculum on the aeronautical knowledge areas for the Private Pilot Certificate - Airplane knowledge test and have satisfactorily accomplished the Private Pilot Certificate - Airplane knowledge test prior to completion of the flight training of the Private Pilot Certification Course-Airplane Single Engine Land. The knowledge test results must be current within the 24-calendar month period preceding the month the applicant completes the practical test;" or

"b. Prior to completion of ABC Aviation School's flight training curriculum, the student must have satisfactorily completed the Private Pilot Certificate - Airplane knowledge test, and the knowledge test results must be current within the 24-calendar month period preceding the month the applicant completes the practical test"

Again as previously discussed in Answer 1 above, it could be argued that under §141.55(a) and (b), it requires a school to be approved for both ground and flight training. Because in §141.55(a) and (b), it states:

(a) Each training course for which approval is requested must meet the minimum curriculum requirements in accordance with the appropriate appendix of this part.

(b) Except as provided in paragraphs (d) and (e) of this section, each training course for which approval is requested must meet the minimum ground and flight training time requirements in accordance with the appropriate appendix of this part.

So I can understand where some of you would argue that a school cannot just apply for flight training only. However, in accordance with §141.57 (which is why this rule was designed and it was designed for this very kind of situation), it states:

An applicant for a pilot school certificate or provisional pilot school certificate may apply for approval to conduct a special course of airman training for which a curriculum is not prescribed in the appendixes of this part, if the applicant shows that the training course contains features that could achieve a level of pilot proficiency equivalent to that achieved by a training course prescribed in the appendixes of this part or the requirements of part 61 of this chapter.

Therefore, the answer is yes it's permissible for an Air Agency Certificate to be issued to a school that only teaches the areas of operation (i.e., flight training only) under §141.57.

NOTE: In this situation where the school is only seeking Part 141 approval for the flight training portion for the Private Pilot Certification Course-Airplane Single Engine Land TCO, the ground training does not necessarily need to be conducted under Part 141. It may be conducted under Part 61. There are no rules in Part 141 or policy directives in FAA Order 8700.1 that require the ground training to be taught under Part 141.
{q&a-224}

PART 141.63 Examining authority qualification

QUESTION 5: Ref 141.63(a)(5)(ii) appears to permit use of knowledge test results (90%) to justify approval of practical test (flight) examining authority with the phrase "or any combination thereof".

ANSWER 5: Ref. §141.63(a)(5)(ii); The phrase in subparagraph (ii) of §141.63(a)(5) "... passed the required practical or knowledge test, or any combination thereof, for the pilot, flight instructor, or ground instructor certificate or rating on the first attempt ..." was never intended to allow a 90% pass rate on a knowledge test to be carried over to qualify a school for examining authority for the practical test (i.e., flight test). Never was that ever the intent nor should any FSDO allow it!

Granted, I now see where I should have worded the rule more accurately, but NEVER was the intent of subparagraph (ii) in §141.63(a)(5) to allow a 90% pass rate on a knowledge test to be carried over to qualify a school for examining authority for the practical test (i.e., flight test). And that also goes vice versa, never was the intent of subparagraph (ii) in §141.63(a)(5) to allow a 90% pass rate on a practical test to be carried over to qualify a school for examining authority for the knowledge test. What the phrase in subparagraph (ii) of §141.63(a)(5) "... passed the required practical or knowledge test, or any combination thereof, for the pilot, flight instructor, or ground instructor certificate or rating on the first attempt ..." means is if a school can show "... 90 percent ... on the first attempt ..." on the practical test then the school qualifies for examining authority for the practical test portion of its approved course. And conversely, if the school can show "... 90 percent ... on the first attempt ..." on the knowledge test then the school qualifies for examining authority for the knowledge test portion of its approved course.

It still amazes how I read over the rules in Parts 61 and 141 today and I read them one way where the language and the intent of those rules were perfectly clear to me at the time I wrote the rule. But yet other people can see the loopholes that I didn't see.
{q&a-424}

QUESTION 6: §141.63(a)(2) to receive initial approval for any examining authority a pilot school must simply hold (currently hold) a pilot school certificate. Is there is no requirement to "have held a pilot school certificate" for any specific amount of time?

ANSWER 6: Ref. §141.63(a)(3); The school must have held the rating "... for at least 24 consecutive calendar months preceding the month of application for examining authority." Otherwise, if a school is applying for examining authority for its Private Pilot Certification Course – Airplane Single Engine Land, the school must have held that rating "... for at least 24 consecutive calendar months preceding the month of application for examining authority."

QUESTION 7: §141.63(a)(3); Does a school to obtain initial approval for any examining authority have to hold a pilot school certificate for 24 consecutive calendar months or could it be accomplished while holding a provisional school certificate?

ANSWER 7: §141.63(a)(3); The time limit is based on holding the rating [i.e., "... must have held the rating in which examining authority is sought for at least 24 consecutive calendar months preceding the month of application for examining authority."] not holding a pilot school certificate. Only in §141.63(a)(2), it states "The school must hold a pilot school certificate and rating issued under this part." Yes, it could be "... must hold a pilot school certificate and rating issued under this part ..." one day, one hour, one minute, or one second. Only the rating must have been held "... for at least 24 consecutive calendar months preceding the month of application for examining authority." And rating means, as for example, Private Pilot Certification Course – Airplane Single Engine Land.

{q&a-401}

QUESTION: How long does a Part 141 pilot school (not a provisional school, BUT A PILOT SCHOOL) ". . . must have held the rating in which examining authority is sought . . ." in order to apply for examining authority? Situation is a Part 141 provisional pilot school just completed the renewal process and received their Part 141 pilot school certificate. The pilot school is seeking to receive examining authority for their Private Pilot-Airplane Single Engine Land Certification Course. Can this Part 141 pilot school, which recently completed the requirements for there pilot school certificate, apply for examining authority now or must they wait for an additional 24 calendar months?

ANSWER: Ref. §141.63(a)(2) and (3); Per §141.63(a)(2), the school must hold a pilot school certificate. To understand this provision one must understand the difference between a school holding a pilot school certificate compared to a school holding a provisional pilot school certificate. There is no requirement to have held the pilot school certificate for 24 calendar months. Per §141.63(a)(3), it requires the school to have held the rating for 24 consecutive calendar months. Therefore, if a provisional pilot school becomes a holder of a pilot school certificate, has held the RATING for the approved course in which examining authority is sought for at least 24 consecutive calendar months and meets the other requirements of §141.63, the school's application and ultimately the FSDO approval of examining authority for an approved course is permissible. In this context, the term RATING, as used in §141.63(a)(3) is referring to pilot school RATINGS as identified in §141.11(b)(1), (2), and (3). For example, the provisional pilot school has held the RATING of "Private Pilot Course", [emphasis added the rating is the "Private Pilot Course"] which is based on the school's approved Private Pilot - Airplane Single Engine Land Certification Course, or the provisional pilot school holds the RATING of "Commercial Pilot Course," [emphasis added the rating is the "Commercial Pilot Course"] which is based on the school's approved Commercial Pilot - Rotorcraft-Helicopter Certification Course. In either case, the school must have held the RATING [e.g., "Private Pilot Course," "Commercial Pilot Course," etc. as per §141.11(b)] for at least 24 consecutive calendar months and hold a pilot school certificate for the application for examining authority in either course to be approved.

Lets take it one more step in attempting to clarify this confusing issue. The school described above holds a rating of "Commercial Pilot Course." This rating was issued based on the FSDO review and approval, during initial certification 24 calendar months back, of their Commercial Pilot - Rotorcraft-Helicopter Certification Course (Refer to FAA Order 8700.1, vol. II, chapter 141, page 141-1 to determine how schools are issued ratings). As stated above, after fully meeting the requirements of §141.63(a)(1) through (5), including renewal of their pilot school certificate for the "Commercial Pilot Course," the school could be issued examining authority for the Commercial Pilot - Rotorcraft-Helicopter Certification Course. At the time the school received a "pilot" school certificate, the school submits a new Commercial Pilot - Airplane Single Engine Land Certification Course with a request for approval of examining authority for this new course. As soon as the FSDO determines that the requirements of §141.63(a)(5)(i) and (ii) are satisfied, the examining authority for this new course could be approved.

The provision contained in §141.63 (a)(2) requires a pilot school to hold a pilot school certificate as a prerequisite to the school holding examining authority for any course. There is no provision that permits a provisional pilot school to hold examining authority.

To further discuss the various possibilities and scenarios of your question, consider a pilot school that previously held a pilot school certificate and also held examining authority for one of its ratings [e.g., "Private Pilot Course," "Commercial Pilot Course," etc. as per §141.11(b)] for some of its approved courses. Now during the renewal inspection, the FAA makes a determination that the pilot school failed to meet the student activity/quality requirements of §141.5(d). Therefore, in accordance with §141.27(a)(3), the school would be required to surrender their pilot school certificate and would only be issued a provisional school certificate. As per §141.63(b)(2), all examining authority for the school's courses must be surrendered because the school must hold a pilot school certificate.

{q&a-302}

QUESTION 3: What is meant by the phrase ". . . or any combination thereof . . ." that is contained in §141.63(a)(5)(ii)?

ANSWER 3: And the phrase ". . . or any combination thereof . . ." that is contained in §141.63(a)(5)(ii), again it requires 10 students to be evaluated for EACH training course for which examining authority is sought. The way the subparagraph (ii) of §141.63(a)(5) is structured and specifically the phrase ". . . or

any combination thereof . . .” it is intended to go along with the phrase “. . . at least 10 students in that training course . . .” that is contained in subparagraph (i) of §141.63(a)(5). Otherwise, the rule requires 10 actions in EACH training course.

§141.63(a)(5) states:

(5) Within 24 calendar months after the date of application for examining authority, that school must meet the following requirements —

(i) The school must have trained at least 10 students in the training course for which examining authority is sought and recommended those students for a pilot, flight instructor, or ground instructor certificate or rating; and

(ii) At least 90 percent of those students passed the required practical or knowledge test, or any combination thereof, for the pilot, flight instructor, or ground instructor certificate or rating on the first attempt, and that test was given by —

(A) An FAA inspector; or

(B) An examiner who is not an employee of the school.

{q&a-202}

QUESTION: Will amended training courses received and approved in compliance with revised FAR 141 retain examining authority if the requirements of §141.63(b) are met, or will all TCO's be required to meet the initial approval of §141.63(a) for examining authority?

ANSWER: Reference §141.63: Yes, they will retain their examining authority; As an example, if the school held examining authority for their Private Pilot - ASEL Course prior, then the school SHALL retain that approval. Treat this just like you would if the school was submitting a revision to their approved course.

{q&a-102}

141.65 Privileges

QUESTION: Ref. §141.65; The situation is a Part 141 approved school is requesting examining authority for its ATP ground school course. The school only teaches ground school training. It has no aircraft nor does it teach flight training. Is it permissible for a school to receive examining authority for a ground school course only?

ANSWER: Ref. §141.65; Yes, it is permissible for a Part 141 approved school to request and receive approval for examining authority for its ATP ground school course. Now let's agree that the school complies with the requirements in §141.63(a) for initial approval of its examining authority and paragraph (b) for retaining that approval.

The rule (i.e., §141.65) merely states: “A pilot school that holds examining authority may recommend a person who graduated from its course for the appropriate pilot, flight instructor, or ground instructor certificate or rating without taking the FAA knowledge test or practical test in accordance with the provisions of this subpart.” Notice, in the final rule that became effective August 4, 1997, the phrase “. . . except flight instructor certificates, airline transport pilot certificates and ratings, and turbojet type ratings . . .” was removed. It is now permissible for Part 141 approved schools to request and receive approval for examining authority for flight instructor certificates, airline transport pilot certificates and ratings, and turbojet type ratings.

The rules (i.e., Subpart D, Part 141) do not require the school to provide both ground and flight training to be awarded examining authority. And, prior to August 4, 1997 when the rule was changed, the FAA had issued several grants of exemption that permitted examining authority for ATP and flight instructor knowledge testing. So again, the answer is yes, it is permissible for a Part 141 approved school to request and receive approval for examining authority for its ground school courses. And these schools do not even need to teach flight training. They can be a ground school only.

{q&a-226}

141.67 Limitations and reports

QUESTION: Ref: 141.67(b)(1)&141.77(c)(1)&(2). John this may be a bit of a stretch but here goes anyway. Based on 141.77(c)(2) a pilot (student) enrolls in Part 141 school A's Commercial Pilot Certification Course (190 flight hours) and is given 40 hours of flight training credit, based on previous training and the appropriate knowledge and practical tests given by the receiving Part 141 school. After receiving 40 hours of training from the receiving Part 141 school, the student now is at the 80 hour point in this first school's Commercial Pilot Certification Course (No examining authority). Student decides to transfer to a second Part 141 school which has a Commercial Pilot Certification Course with examining authority. The student wants to transfer as much credit as possible into the second Part 141 school's Commercial Pilot Certification Course with examining authority. Considering the 40 hours that the student "brought with him" into the first Part 141 school and the 40 hours that he accumulated while enrolled in the first Part 141 school's Commercial Pilot Certification Course, can the second Part 141 school give and the student get credit for up to 40 hours flight training credit (flight training received from a Part 141 school) or can he receive up to 80 hours flight training credit, based on the first school's acceptance of the original 40 hours training experience?

ANSWER: Ref. §§141.67(b)(1) and 141.77(c)(1) and more so Order 8700.1, paragraph 17.B; The maximum allowable transfer credit would be 40 hours only. The intent of both these regulations were to give a transfer student a maximum credit of:

§141.67(b)(1): "... does not exceed one half of the receiving school's curriculum requirements;"

§141.77(c)(1): "... may be 50 percent of the curriculum requirements
and ..."

and

Order 8700.1, paragraph 17.B. on page 141-9: "... course credit obtained in the previous course of training may be credited IN ALL OR PART by the receiving school. However, the receiving school may determine the amount of credits to be allowed ..."

and even though AC 141-1A is out-of-date (which I intend to fix one of these days), AC 141-1A, paragraph 29 on page 11 states:

"... course credits obtained in the previous course of training may be credited in all or part by the receiving school."

No where does these rules or in Order 8700.1 permit crediting of 50% of the curriculum requirements when the student's aeronautical experience only shows 40 hours. I know an argument could be made that the rule doesn't specifically prohibit it either. However, note that §141.27(a)(2) says: "A pilot school MAY apply for renewal ... IF THE ADMINISTRATOR DETERMINES the school's ... training records ... MEET THE REQUIREMENTS of this part." And a school that would choose to give such credit will likely find that the FSDO suddenly is inspecting and checking everything often and possibly insisting on performing all of the end of course practical tests! {q&a-166}

QUESTION 3: Can a non-Part 141 student transfer into a Part 141 school's course that has examining authority? If so, what is the maximum credit that may be credited to a non-Part 141 student who elects to enroll in a school's course that holds examining authority?

ANSWER 3: Ref. §141.67(b)(1); You cannot permit a non-Part 141 transfer student to transfer into a school's course that holds examining authority. This was intentional because we do not want a non-Part 141 transfer student to come into a Part 141 approved course that holds examining authority. Non-Part 141 transfer student must complete ALL of the course requirements of a course that holds examining authority. Per §141.67(b)(1):

(b) Except as provided in this paragraph, the person satisfactorily completed all the curriculum requirements of that pilot school's approved training course. A person who **transfers from one part 141 approved pilot**

school to another part 141 approved pilot school may receive credit for that previous training, provided the following requirements are met:

- (1) The maximum credited training time does not exceed one-half of the receiving school's curriculum requirements;

{q&a-136}

PART 141.77 Operating rules: Limitations

QUESTION 4: Section 141.77(c)(1) (Transfer of credit from a 141 school) Is the school's chief instructor expected to separate the ground training and flight training experience that a transferring student is bringing into the receiving school? Can portions of the students ground training, that has been completed, be credited by the receiving school for flight training?

ANSWER 4: Ref. §141.77(c)(1); When you state the students' ground training has been completed, are you saying the applicant completed the entire ground portion to qualify to take the knowledge test or has satisfactorily completed the appropriate knowledge test. As I stated in a previous Q&A 150, if a student COMPLETED the entire ground portion to qualify to take the knowledge test or has satisfactorily completed the appropriate knowledge test then that student would receive 100% credit.

I have previously stated in the past in answering similar kinds of questions on this rule, §141.77(c)(1) is for a student who dis-enrolls from one school prior to completion of that school's Part 141 approved curriculum and then transfers to another school to finish their Part 141 approved curriculum.

However, if the student hasn't completed the entire ground school portion of the appropriate training and really is a transfer student, then yes the chief instructor would be required evaluate the transfer student's previous ground and flight training.

QUESTION 5: Section 141.67 and 141.77 Why is 141 training limited to no more than 50% of the receiving school's course requirements? Why not permit 100% transfer when it is 141 to 141?

ANSWER 5: Ref. §141.77(c)(1); The FAA rulemaking team that drafted the rule determined that 50% of the previous training credits should all that should be transferable. Because, if we had allowed 100% credit (for a transfer student), it would be comparable to attending one college (i.e., Pacific Western College = a certificate factory college) for 4 years, and then transfer to Harvard University for the last 3 credits and receive a degree from Harvard University. The FAA rulemaking team determined that for a student to receive a graduation certificate from one school that student should have at least completed 50% of that graduating school's curriculum.

{q&a-435}

QUESTION: Situation, my Part 141 school administers a pilot course of training titled the "Professional Pilot Course" that incorporates the Private Pilot-Airplane Single Engine Land rating, Instrument Rating-Airplane (in a single engine airplane, and Commercial Pilot--Airplane Single Engine Land rating all into one complete course. The complete course is broken down into:

- Stage 1 is to prepare the student for solo flight.
- Stage 2 is to prepare the student for solo cross country flight
- Stage 3 is the stage for completion of the Private Pilot Certification portion of the course
- Stage 4 is the navigation portion at the Commercial Pilot level
- Stage 5 is the complex airplane training at the commercial pilot level
- Stage 6 is the instrument training
- Stage 7 is the stage for completion of the Commercial Pilot-ASEL rating and Instrument-Airplane rating.

Our "Professional Pilot Course" completion is approved for a total of 218 hours. And for the sake of brevity and proprietary privileged information, the solo and dual time of our "Professional Pilot Course" equate or exceed the appendix hour requirements of Appendix B, Appendix C, and Appendix D of Part 141. Our "Professional Pilot Course" has been approved under §141.57. And the total hour requirements in each phase of our "Professional Pilot Course" exceed the hour requirements of Appendix B, Appendix C, and Appendix D. As for example, when our

students are put up for the Private Pilot Certification-ASEL at completion of State 3, they'll have a minimum of at least a total of 66 hours. Appendix B of Part 141 only requires 35 total hours. When adding up the total hour requirements of Appendix B, Appendix C, and Appendix D, it adds up to a total of 190 hours. Our "Professional Pilot Course" adds up to a total of 218 hours.

Now for the question, let's take a situation where the student ends up with 68 total hours at the end of stage 3. Can this extra time (2 hours) be included in the total hour requirements of our "Professional Pilot Course" (i.e., 218 hours or does it have to be added on, meaning now the total hour requirements of our "Professional Pilot Course" will be 220 hours?

ANSWER: Ref. §141.77(a)(1); The extra time must be added on. The student must show at least 220 hours and meet the individual approved hour requirements of each of the remaining stages of your school's "Professional Pilot Course."

Each one of the stages/phases is a distinct and separate course of training. I understand you say your "Professional Pilot Course" is a "... complete course ...". However, in these Professional Pilot Courses that are approved under §141.57, §141.57 states, in pertinent part, "... the training course contains features that could achieve a level of pilot proficiency equivalent to that achieved by a training course prescribed in the appendixes of this part or the requirements of part 61 of this chapter. ...". The FAA's position is that although we may not have any objections for allowing schools to design such a course, the school's "Professional Pilot Course" must "... contains features that could achieve a level of pilot proficiency equivalent to that achieved by a training course prescribed in the appendixes of this part or the requirements of part 61 of this chapter. ..." [i.e., §141.57]. And that also means the students must meet the eligibility prerequisites for going from one phase to the next phase. Meaning, if the student must hold a private pilot certificate prior to enrollment in the flight portion of the commercial pilot certification phase of the "Professional Pilot Course" [i.e., Appendix D, paragraph 2.(a)]. And prior to enrollment into the flight portion of the instrument phase of the school's "Professional Pilot Course," the student must hold a private pilot certificate [i.e., Appendix C, paragraph 2.].

Now in your scenario, you stated that the student was not prepared for the private pilot certificate at the end of Stage 3 which is approved for 66 hours. You said the student needed 2 additional hours to be prepared for the private pilot certificate. Therefore, when the student completes Stage 3, he showed 68 hours. The student must now meet the hour requirements of each of the remaining stages and their approved hour requirements. So if the student progresses in accordance with the approved hour requirements for each remaining stage, the student must show 220 hours for completion of your school's "Professional Pilot Course."

By the student showing 220 hours at completion of Stage 7 of your "Professional Pilot Course" will allow the student to graduate and conform to the requirements of §141.77(a)(1).
{q&a-333}

QUESTION: Ref. §141.77(c); A local flight school has posed this question:

If an applicant has 70 hours of aeronautical flight experience of training at a previous Part 141 flight training school, and also has 60 hours of previous aeronautical flight experience of training at a Part 61 school, both of whom have provided certified records, how many hours (maximum) can our school credit to this applicant's Commercial Pilot Certification Course?

We have several interpretations in our office.

- 60, because it is 1/2 of 120 required hours.
- 35, because it is 1/2 of the 70 previous 141 hours.
- 50, because it is 1/2 of 70 plus 1/4 of 60.

Not enough information, i.e., how many hours to get private certificate, instrument rating, etc.

What do you say? (Let's assume that the receiving school uses the times shown in the appendixes for their TCO.)

ANSWER: Ref. §141.77(c)(1); Below are my answers, but I can't stress STRONGLY enough to you that the maximum transferable time must be "... based upon a proficiency test or knowledge test, or both, conducted

by the receiving pilot school . . .” Otherwise, just because §141.77(c)(1) allows for the maximum transferable time to be
“ . . . 50 percent of the curriculum requirements . . .” doesn’t necessarily require the receiving school to award that applicant 50 percent of the curriculum requirements.

As an example:

The applicant is transferring to XYZ School of Aviation which has an approved-Part 141 Commercial Pilot-Airplane Single Engine Land Course which has been approved for a total of 120 hours in accordance with Part 141, Appendix D, paragraph 4.(a)(1). So, in accordance with §141.77(c)(1), the maximum amount of time that may be transferable is “ . . . 50 percent of the curriculum requirements and must be based upon a proficiency test or knowledge test, or both, conducted by the receiving pilot school . . .” So the maximum transferable time is 60 hours (e.g., 50% of 120 hours equals 60 hours).

Another example:

The applicant is transferring to XYZ School of Aviation which has an approved-Part 141 Private Pilot-Airplane Single Engine Land Course which has been approved for a total of 35 hours in accordance with Part 141, Appendix B, paragraph 4.(a)(1). So, in accordance with §141.77(c)(1), the maximum amount of time that may be transferable is “ . . . 50 percent of the curriculum requirements and must be based upon a proficiency test or knowledge test, or both, conducted by the receiving pilot school . . .” So the maximum transferable time is 17.5 hours (e.g., 50% of 35 hours equals 17.5 hours).

Another example:

The applicant is transferring to XYZ School of Aviation which has an approved-Part 141 Instrument-Airplane Initial Qualification Course which has been approved for a total of 35 hours in accordance with Part 141, Appendix C, paragraph 4.(a)(1). So, in accordance with §141.77(c)(1), the maximum amount of time that may be transferable is “ . . . 50 percent of the curriculum requirements and must be based upon a proficiency test or knowledge test, or both, conducted by the receiving pilot school . . .” So the maximum transferable time is 17.5 hours (e.g., 50% of 35 hours equals 17.5 hours).
{q&a-245}

QUESTION 2: FAR 141.77(c)(2) states in summary "25% of the curriculum requirements may be credited for previous experience. Therefore if all other requirements of FAR 141.77 are met a commercial airplane applicant could be credited with up to 30 hours making the minimum course completion time 90 hours.

An applicant requires 60 hours to complete the private pilot airplane and has 35 hours of dual and 25 hours of solo. The applicant completes their instrument in a PART 141 school in 35 hours. The applicants' total time is now 90 hours.

If I am able to credit 30 hours in our PART 141 syllabus that will require 90 more hours of training. 90 hours + 60 hours + 35 hours = 180 hours.

It may not be the intent of the regulations, however is it true that in the above example the applicant may receive their commercial certificate in 180 hours?

ANSWER 2: Ref. Part 141, Appendix D, paragraph 2; **YOU ARE NOT CORRECT ON ANY OF YOUR ASSUMPTIONS.** As per Part 141, Appendix D, paragraph 2, it states:

2. Eligibility for enrollment. A person must hold the following prior to enrolling in the flight portion of the commercial pilot certification course:
 - (a) At least a private pilot certificate; and
 - (b) If the course is for a rating in an airplane or a powered-lift category, then the person must:
 - (1) Hold an instrument rating in the aircraft that is appropriate to the aircraft category rating for which the course applies; or

(2) Be concurrently enrolled in an instrument rating course that is appropriate to the aircraft category rating for which the course applies, and pass the required instrument rating practical test prior to completing the commercial pilot certification course.

The applicant has to hold a private pilot certificate first. So all the time requirements of paragraphs 3 and 4, as appropriate, of Part 141, Appendix D have to be met after the applicant first holds a private pilot certificate. And as it states in paragraph 2.(b), must either "... hold an instrument rating . . . ; or . . . Be concurrently enrolled in an instrument rating course . . ." So again, all of the time requirements of paragraphs 3 and 4 of Part 141, Appendix D, as appropriate, have to be met in the commercial pilot certification course.
{q&a-212}

QUESTION: Reference §141.77(c). We have a college, with a 141 Ground School ONLY approval. They contract out to other 141 schools who conduct the flight training.

The question we have involves the credit for ground school allowed by the rule when the flight student has passed the GS and received a Graduation Certificate and sometimes already taken and passed the appropriate written test. Is the school conducting the flight training still bound by the 50% limit imposed by section 141.77(c) of this rule?

ANSWER: Ref. §141.77(c)(1); The student would receive 100% credit. The rule doesn't apply to your situation. The reason is because in this situation, the student completed the entire ground portion of the college's private pilot ground school course. As for aeronautical knowledge, there isn't anything further the student needs to complete because a graduation certificate was issued and often the knowledge test was passed. As you stated, the college doesn't even have an approved Part 141 Private Pilot Certification Course - flight portion. The school is only approved for the ground portion of the Private Pilot Certification Course.

In your situation, the student now enrolls (notice I didn't say transfers) in the flight portion of the next Private Pilot Certification Course. The student is not a transfer student in the sense of §141.77(c)(1).

I have previously stated in the past in answering similar kinds of questions on this rule, §141.77(c)(1) is for a student who dis-enrolls from one school prior to completion of that school's Part 141 approved curriculum and then transfers to another school to finish their Part 141 approved curriculum.
{q&a-150}

QUESTION: Ref: 141.67(b)(1)&141.77(c)(1)&(2). John this may be a bit of a stretch but here goes anyway. Based on 141.77(c)(2) a pilot (student) enrolls in Part 141 school A's Commercial Pilot Certification Course (190 flight hours) and is given 40 hours of flight training credit, based on previous training and the appropriate knowledge and practical tests given by the receiving Part 141 school. After receiving 40 hours of training from the receiving Part 141 school, the student now is at the 80 hour point in this first school's Commercial Pilot Certification Course (No examining authority). Student decides to transfer to a second Part 141 school which has a Commercial Pilot Certification Course with examining authority. The student wants to transfer as much credit as possible into the second Part 141 school's Commercial Pilot Certification Course with examining authority. Considering the 40 hours that the student "brought with him" into the first Part 141 school and the 40 hours that he accumulated while enrolled in the first Part 141 school's Commercial Pilot Certification Course, can the second Part 141 school give and the student get credit for up to 40 hours flight training credit (flight training received from a Part 141 school) or can he receive up to 80 hours flight training credit, based on the first school's acceptance of the original 40 hours training experience?

ANSWER: Ref. §§141.67(b)(1) and 141.77(c)(1) and more so Order 8700.1, paragraph 17.B; The maximum allowable transfer credit would be 40 hours only. The intent of both these regulations were to give a transfer student a maximum credit of:

§141.67(b)(1): "... does not exceed one half of the receiving school's curriculum requirements;"

§141.77(c)(1): "... may be 50 percent of the curriculum requirements and . . ."

and

Order 8700.1, paragraph 17.B. on page 141-9: "... course credit obtained in the previous course of training may be credited IN ALL OR PART by the receiving school. However, the receiving school may determine the amount of credits to be allowed ..."

and even though AC 141-1A is out-of-date (which I intend to fix one of these days), AC 141-1A, paragraph 29 on page 11 states:

"... course credits obtained in the previous course of training may be credited in all or part by the receiving school."

No where does these rules or in Order 8700.1 permit crediting of 50% of the curriculum requirements when the student's aeronautical experience only shows 40 hours. I know an argument could be made that the rule doesn't specifically prohibit it either. However, note that §141.27(a)(2) says: "A pilot school MAY apply for renewal ... IF THE ADMINISTRATOR DETERMINES the school's ... training records ... MEET THE REQUIREMENTS of this part." And a school that would choose to give such credit will likely find that the FSDO suddenly is inspecting and checking everything often and possibly insisting on performing all of the end of course practical tests! {q&a-166}

QUESTION: I am a chief instructor at a approved 141 flight school. We also have the local collage that offers a 141 instrument ground school. If a person graduates from the instrument ground and enrolls in our instrument flight training. Can I give him full credit for the ground school completed at the collage or 50 %?

ANSWER: §141.77(c)(1); This rule doesn't apply to your situation. You said the student graduated from the other school's Part 141 approved GROUND school course. And I AM ASSUMING that means he took and passed the appropriate FAA knowledge test? Am I assuming right? If so, there are no further ground school training required because the student has passed the knowledge test. So in this case, the student gets 100% credit. The student would start out in the flight portion of your course. {q&a-167}

QUESTION 1: Ref. §141.77(c)(1); A student is enrolled in ABC Flight School's old Part 141 Private Pilot-ASEL course. The curriculum was approved prior to the adoption of the new Part 141 that came into effect on August 4, 1997. On March 1, 1998, ABC Flight School got their Part 141 Private Pilot-ASEL curriculum approved under the new Part 141 requirements. ABC now want to dis-enroll their students from their old curriculum and enroll those same students in their new Part 141 Private Pilot-ASEL curriculum. Do these students get 50% credit or 100% credit?

ANSWER 1: They get 100% credit; Section 141.77(c)(1) doesn't apply to students that stay within the SAME school. Section 141.77(c)(1) was designed and apply to students who are enrolled, as for example, in ABC Flight School's Part 141 Private Pilot-ASEL curriculum. The student quits ABC Flight School's and transfers to DEF Flight School's Part 141 Private Pilot-ASEL curriculum. If applicants stay within the same school, they receive 100% credit of their aeronautical experience that they possessed when they converted over to the new curriculum.

However a note of caution, make sure when you convert your students into the new curriculum that wherever you start that student (as for example you start him or her out in Lesson 17 of the new curriculum) that when that student completes the course, all of the training requirements were accomplished. As for example, under ABC Flight School's newly approved Private Pilot-ASEL curriculum, Lesson No. 11 requires a student to do a dual night cross country flight. This is the only lesson in the entire curriculum where this "dual night cross country flight" is required. But remember, the school started the student out at Lesson No. 17 and the old curriculum did not have a "dual night cross country flight." So what I am saying, make sure the student accomplishes this "dual night cross country flight." {q&a-141}

QUESTION 2: During this interim period (until 12:01am on August 4, 1998) until all Part 141 curriculums have to be approved under the new requirements, can schools maintain two courses for the same certificate and rating. As an example, can ABC Flight School have some of their students remain enrolled in its old Private Pilot-ASEL curriculum and also enroll student in their newly approved Private Pilot-ASEL curriculum?

ANSWER 2: Ref. §141.53(c)(1); Yes, but at 12:01am on August 4, 1998, all curriculums must be approved under the new Part 141 requirements and all students must be enrolled in those newly approved curriculums. And as was the case in answer 1 above, the students will receive 100% credit as long as they stay within the same school.
{q&a-141}

QUESTION 1: Under the new 141 regulations, a recent interpretation from our local FSDO was that any students not completed by August 4, 1998 would have to be transferred into a new syllabus for their certification. Their understanding is that we would only be allowed to transfer (allocate) up to 50% of their previous training towards the graduation requirements of the new syllabus. This means that even though a student is still training under the same Air Agency they would possibly lose time towards their graduation. Is this true? If they transfer credit from one syllabus to another under the same Air Agency certificate they should be able to transfer 100%.

ANSWER 1: Ref. 141.77(c)(1); These "intra-transfer" students can receive 100% credit if transferring out of a school's curriculum into the same school's other curriculum that is of the same kind of course and rating.

Section 141.77(c)(1) doesn't apply to "intra-transfer" students, because as the rule states ". . . conducted by the receiving school." This rule applies to a student that transfers from one school to an entirely different receiving school. Section 141.77 doesn't apply nor does any other rule within Part 141 address "intra-transfer" students. The term "intra-transfer" means students transferring within the same school of the same kind of course and rating. Intra-transfer" students can receive 100% credit.

However, when a school is transferring an "intra-transfer" student, that student must have completed ALL of the curriculum requirements of the curriculum the student is transferring into. For example, a "intra-transfer" student completes Lesson No. 11 of the University of Oklahoma's Private Pilot Certification Course-Airplane Single Engine Land. That student then transfer into the University's new Private Pilot Certification Course-Airplane Single Engine Land. The student is evaluated via a knowledge or proficiency test or both, as per §141.77(c)(3), and it is determined to begin this "intra-transfer" student at Lesson 17 of the new Private Pilot Certification Course-Airplane Single Engine Land. However, in Lesson 15 of the old curriculum it required ground reference maneuvers to be performed. In the new curriculum ground reference maneuvers are required to be performed at Lesson No. 9. The school would be required to make sure the student accomplishes this required training prior certifying the student as course complete in the new curriculum requirements.
{q&a-149}

QUESTION 4: For the issuance of an Instrument rating without being in a concurrent Commercial curriculum do they have to meet the part 61 requirements for pic XC? If so could a student complete a Private and Instrument in only 70 hours total?

ANSWER 4: Ref §61.71(a); A person who applies for an instrument rating via graduating from a Part 141 curriculum do not have to meet the PIC cross country requirements of §61.65(d)(1). Yes, this provision was intentional! Section 61.71(a) states:

"(a) A person who graduates from an approved training program under part 141 or part 142 of this chapter is considered to have met the applicable aeronautical experience, aeronautical knowledge, and areas of operation requirements of this part if that person presents the graduation certificate and passes the required practical test within the 60-day period after the date of graduation."
{q&a-149}

QUESTION 2: The situation is a student completes a school's Part 141 approved Private Pilot-Airplane Ground Course. Then that same student decides a year later to enroll in the same school's Part 141 approved Private Pilot-Airplane Flight Course. Does §141.77(c)(1) allow this student to be given full credit for completion of the ground school or is the school restricted to only give him a maximum of only 50% credit when he enrolls in the flight portion of the Private Pilot Airplane course?

ANSWER 2: The example you have cited and §141.77(c)(1) have nothing to do with each other. Your example are apples and oranges apart. There is absolutely, no correlation whatsoever. §141.77(c)(1) applies to a student who is enrolled at ABC Flight School, Inc. and then quits. He then enrolls in DEF Flight School, Inc. Both

schools are Part 141 approved. In answer to your specific question, the answer is the student may be given 100% credit. The student is enrolled in the same school.

Now we've heard of some Part 141 schools (that offer 4-year college degrees) have developed a ground and flight school course that was specifically designed to get a person interested in flying but the course was not Part 141 approved nor did the course lead to a person being allowed to take the Private Pilot-Airplane knowledge and practical test. In that case, since the ground school course is not Part 141 approved, then §141.77(c)(2) would apply even though the applicant is dealing with the same school for both courses.

{q&a-59}

PART 141.79 Flight training

QUESTION 6: Section 141.79(d)(1)(ii) refers to each make and model. Why not recognize the similarities of makes and models and use a concept like 135's concept of families of aircraft.

ANSWER 6: Ref. §141.79(d)(1)(ii); During the rewrite of Part 141, that concept was never recommended nor considered. The FAA rulemaking team just never considered it. However, I do agree this concept may have some merit and I will discuss it with our AFS-800 managers.

{q&a-435}

QUESTION 8: §141.79, does a Chief Instructor that is going to be an active "line instructor" in the course have to get a proficiency and knowledge test from someone?

ANSWER 8: Ref. §141.79(d)(1) and (2); If a chief instructor is acting as an active line instructor in the school, the initial proficiency check and recurrent proficiency checks of the chief instructor should be conducted by the FAA's assigned ASI/POI. My answer to this question is a common sense approach to this situation. There is no regulatory requirement or Flight Standards policy in FAA Order 8700.1 to address this situation. But the answer is the only reasonable answer to this question. The school's assigned ASI/POI should conduct the initial proficiency check and the 12 month recurrent proficiency check of a chief instructor who is also acting as a line instructor in the school.

{q&a-401}

QUESTION: I have a Chief Flight Instructor (CFI) for a Part 141 approved school that provides helicopter training in the Minneapolis area. This CFI is also a designated rotorcraft pilot examiner. (He recently received an upgrade to authorize him ATP checks). He is also an active 135 helicopter pilot.

This CFI wants to know if the annual 135 training he just received can qualify for the annual training for 141 chief flight instructors, as required by 141.79(c). That sounds like a bit of a stretch to me, but it got me thinking. If his 135 training doesn't suffice, how about his annual attendance at the DPE seminar or the FAA observed check he just completed to add ATP to his examining authorization.

ANSWER: Ref. §141.79(c); Let me see if I understand your question. You're asking if a person who completes an annual 135 training program whether this can also qualify for completion of an annual Part 141 chief flight instructors training requirements, as required by §141.79(c). Is that what you're asking?

Well, I can assure you that §141.79(c) doesn't address this issue. Nor does FAA Order 8700.1 address it. Section 141.79(c) merely states "Each chief instructor and assistant chief instructor assigned to a training course must complete, at least once every 12 calendar months, an approved syllabus of training consisting of ground or flight training, or both, or an approved flight instructor refresher course."

Knowing the required training contents of a Part 135 PIC training program and knowing what is expected of a Part 141 chief instructor and assistant chief instructor approved syllabus, I don't see how these training programs would ever suffice for one another. The Part 141 chief instructor and assistant chief instructor approved syllabus should address those areas covered in FAA Order 8700.1, page 143-1, paragraph 7.C.(3) and (4). And I know a Part 135 PIC approved training program doesn't cover those subject areas.

So I agree, to attempt to say satisfying a Part 135 training program can suffice for a Part 141 chief instructor and assistant chief instructor approved syllabus is just A WEE BIT OF A STRETCH!

So the answer is no, completion of an annual Part 135 PIC training program will not suffice for the annual Part 141 chief flight instructor training requirements or vice versa.

{q&a-284}

QUESTION: The Dallas SW05 District Office supports one flight instructor workshop monthly in our district. The CFI renewal based on attendance of at least eight meetings (16 hours) prior to renewal has been received favorably. Several Chief Flight Instructors from 141 Certificated Flight Schools also attend these workshops on a regular basis.

This question has been presented to me, "Can these workshops be counted in lieu of the annual FIRC for 141 Chief Flight Instructors?"

Additionally, and a follow-up question, a CFI renewal based on attendance at these SW05 District Office flight instructor workshop monthly meetings can their flight instructor certificates be renewed on the basis of "acquaintance?"

ANSWER: Ref. §141.79(c) and §61.197(a)(2)(ii); The answer is yes, a FSDO may accept a Part 141 Chief and Assistant Chief Instructor's attendance and SATISFACTORY PERFORMANCE at SW FSDO's workshops as meeting the requirements of §141.79(c). Section 141.79(c) is silent on the specifics of this issue, and it only states "Each chief instructor and assistant chief instructor assigned to a training course must complete, at least once every 12 calendar months, an approved syllabus of training consisting of ground or flight training, or both, or an approved flight instructor refresher course."

However, I must tell you that I become quite sensitive when I hear the often stated general remark about "renewing a flight instructor certificate on the basis of acquaintance." NOT TRUE. No place in the rule [§61.197] nor in FAA Order 8700.1 does it state that a person's flight instructor certificate may be renewed merely on the basis of ACQUAINTANCE. Only on the back of FAA Form 8710-1 does it erroneously mention the word ACQUAINTANCE. Hopefully that is going to change in the near future when we change FAA Form 8710-1. In reviewing §61.197(a)(2)(i), it reads "A record of training . . ." and paragraph (ii) reads "A record showing . . ." Never does it mention the word ACQUAINTANCE. And in §61.197(a)(2)(iii) it requires a flight instructor to attend a FIRC.

I want to emphasize that you should not consider SW FSDO 5's workshops as meeting the requirements of §61.197(a)(2)(iii). Because those workshops are not an approved Flight Instructor Refresher Clinic. I know it wasn't said, but it appears your question may have been implying it? If a flight instructor is being renewed by attending SW FSDO 5's monthly workshops then the renewal is being accomplished in accordance with §61.197(a)(2)(ii) as the FSDO would have personal knowledge of the flight instructor applicant's ability and SATISFACTORY PERFORMANCE at the workshop as a flight instructor, as in the provision of ". . . in a position involving the regular evaluation of pilots . . ." [i.e., §61.197(a)(2)(ii)].

{q&a-264}

QUESTION 3: Ref. §141.79(d)(2); After initial qualification, it states in §141.79(d)(2), in pertinent part, "... accomplish a recurrent proficiency check in one of the aircraft in which the person trains students." Emphasis on "... in one of the aircraft . . ." Does this mean if an instructor teaches in 3 different courses and 3 different categories of aircraft are used in those different courses that the instructor only needs to perform a recurrent proficiency check in one of the aircraft?

ANSWER 3: Just like it says in §141.79(d)(2), "... in one of the aircraft . . ." Now for the recurrent proficiency check, the school should rotate each year the different aircraft that the instructor takes the recurrent proficiency check in. As for example, if the instructor provides instruction in the C-152 for the school's approved "Private Pilot Certification Course-ASEL rating", the C-310 for the "Add-on Airplane Multiengine Land Rating Course" and the R-22 for the Private Pilot Certification Course-Helicopter Rating then the recurrent proficiency checks should be done one year in the C-152, the next year in the C-310, and the year after in the R-22 and then you start all over again. However, each year the recurrent proficiency check should consist of some oral questioning and discussion on each of the training courses the instructor provides training in (e.g., oral questioning and discussion on

the "Private Pilot Certification Course-ASEL rating", "Add-on Airplane Multiengine Land Rating Course," and "Private Pilot Certification Course-Helicopter Rating").
{q&a-247}

QUESTION: Does the requirement for a flight instructor to be administered the 12-month proficiency flight instructor check of §141.79(d)(2) also apply to the Chief Flight Instructor (CFI)? To the Assistant Chief Flight Instructor (A-CFI)?

ANSWER: Ref. §141.79(d)(2); First of all there is no written guidance on this question in FAA Order 8700.1. Nor has the FAA ever established any written policy guidance on this question. However, in checking your question out within AFS-840 and with the FAA Aeronautical Academy, the positions of CFI and A-CFI have in the past been treated as management positions, as in the case of the larger flight schools. However, §141.79(d)(2) does not preclude a FSDO from requiring a CFI and A-CFI to comply with the 12 month proficiency flight instructor check of §141.79(d)(2). In fact, if the CFI and A-CFI is actively participating in training and signing off students in the school's Part 141 approved course, then it may be acceptable for a FSDO to require the CFI and A-CFI to undergo the 12 month proficiency flight instructor check of §141.79(d)(2). Or the FSDO may require during their normal course of re-occurring surveillance of the school and its CFI and A-CFI to require some showing of flight instructor proficiency by the CFI and A-CFI. However, if the CFI and A-CFI are "management types," as is the case in the larger Part 141 schools (i.e., Embry Riddle Aeronautical University, University of North Dakota, etc.) then requiring the CFI and A-CFI to comply with just the annual training requirements of §141.79(c) is also acceptable. However, the FSDO has the discretion to either accept the CFI's and A-CFI's accomplishment of the annual training requirements of §141.79(c) or the FSDO may further require the CFI and A-CFI to undergo the 12-month proficiency flight instructor check that is required of the flight instructors in the course.

In summary, §141.79(d)(2) does not require a 12-month proficiency flight instructor check of the CFI and A-CFI NOR DOES IT PREVENT IT. It's at the discretion of the FSDO and when considering the roll that the CFI and A-CFI functions at the school.
{q&a-251}

QUESTION: A quick 141 question.

FAR 141.79(c) requires the chief instructor, and assistant chief instructor, to complete an approved syllabus of training (ground and flight) or an approved FIRC every 12 months. I'm curious about the "approved syllabus of training" part and what it might contain for these chief instructors. Would this be something done locally at the school and approved by the FSDO office, or is it more national in scope? Are there any approved schools that have their own programs? Where would we go to find this information? Has the FAA provided any guidance on the make-up of these programs?

ANSWER The only written guidance that we have on this issue is addressed on page 143-3 of Order 8700.1. Other than that, AFS-840 has never put out any written guidance on this issue. I can't ever remember being asked that question. But in answer to your question, yes individual schools can develop their own recurrent training for their own chief and assistant chief instructors. Individual schools do not have to send their chief and assistant chief instructors to attend a Flight Instructor Refresher Clinic (FIRC) like the one you all put on. Individual schools may submit their own course to their FSDO for approval. As it states in Order 8700.1, chief and assistant chief instructors who are also FAA Designated Pilot Examiners may count their yearly examiner standardization course as meeting the requirements of §141.79(c). However if this is not the case, then we would expect the submitted courses to follow closely the course contents of a FIRC. Also, it is acceptable for a school to include in its submitted curriculum the time spent by the school's chief instructor on regularly scheduled standardization meetings with the school's instructor staff.
{q&a-55}

PART 141.83 Quality of training

QUESTION 1: If a school fails to meet the 80% quality of training pass rate [emphasis added "quality of training"] for renewal of their school certificate, how long does the school have to wait before being allowed to apply for a provisional school certificate.

ANSWER 1: Ref. §141.83(b) and § 141.27(a)(2) and (3); FAA Order 8700.1, chapter 141, page 141-11, paragraph 19.A.(3)(b); In your question, you stated the school failed to meet the 80% quality of training pass rate. Per § 141.83(b), failure of a school to meet the 80% quality of training pass rate “. . . may be the basis for suspending or revoking that school’s certificate.” And the word “MAY” does not reflect a mandatory requirement but is just one of the possibilities at the disposal of the FAA to correct a school’s quality of training pass rate. As for example, a more proper course of action that the FAA “MAY” take is to provide some effective leadership and begin consultations with the school’s chief instructor and management personnel to figure out a way to increase the school’s quality of training pass rate. Or the FAA “MAY” want to begin riding along on some of the training flights to take a pro-active involvement in the school’s training to find ways to improve the school’s quality of training pass rate. Or the FAA “MAY” want to make a recommendation to the school’s management team to make a change to their training course to put more emphasis in an area of operation where the school’s students are showing unsatisfactory performance. Again the word “MAY” in § 141.83(b) in the phrase “. . . may be the basis for suspending or revoking that school’s certificate . . .” does not reflect a mandatory requirement. However, the FAA “MAY” elect to suspend or revoke that school’s certificate. Each situation is different, and what is mandatory is that our ASI workforce take the appropriate action given the situation at hand. If a school reflects an uncooperative and unprofessional attitude, then the FAA “MAY” elect to suspend or revoke the school’s certificate.

Now even though FAA Order 8700.1, chapter 141, page 141-11, paragraph 19.A.(3)(b) is hopelessly out of date (at times I even hate to mention FAA Order 8700.1 anymore as a source because it is out of date) but paragraph (b) states “If after another renewal period (24 calendar months) the school still does not meet the requirements of FAR § 141.5(b) [meaning the now existing § 141.5(d)], the school must wait a period of 6 months before reapplying for certification as a provisional school.”

Now per § 141.27(a)(3) which states “. . . A former provisional pilot school may apply for another provisional pilot school certificate, provided 180 days have elapsed since its last provisional pilot school certificate expired.” However, your question involved a holder of a pilot school certificate (not a holder of a provisional school certificate). So, if the FAA decides to suspend or revoke the school’s certificate because a pilot school fails to meet the 80% quality of training pass rate, the school, per § 141.27(a)(3), may then apply immediately for a provisional school certificate. However, per § 141.83(b) [i.e., “. . . may be the basis for suspending or revoking that school’s certificate . . .”] suspension or revocation of the school certificate is not always mandatory and judgement would say if the school’s quality of training pass rate is below the required 80%, it may be more prudent to handle the matter in one of the alternative ways previously mentioned above instead of immediately issuing the school a provisional school certificate.

However, before we the FAA decide to suspend or revoke a school’s certificate, read the following philosophy and opinions about this issue:

As it states in § 141.5(d) [i.e., “. . . Has trained and recommended for pilot certification and rating tests, . . . at least 10 students . . . and at least 80 percent of all tests administered were passed on the first attempt”], if a school meets these requirements [and also paragraphs (a), (b), and (c) of § 141.5], that school may be issued a “pilot school certificate”. As per § 141.5(d), if a school does not meet both the quantity or the quality requirements it cannot be issued a “pilot school certificate”. If he does not meet the provisions of §141.5(d) we can use the provisions of §141.7 for the issuance of a “provisional pilot school certificate.” In reading the provision of §141.7 and specifically the phrase “. . . but does not meet the recent training activity requirements of §141.5(d) of this part, may be issued a provisional pilot school certificate with ratings . . .” {Emphasis added “. . . recent training activity requirements . . .”} As the words “. . . recent training activity requirements . . .” state it means training activity and not quality of training. This provision relates strictly to the number of recommendations the school has produced in the previous period (i.e., training activity). If the school we are renewing simply has very little training activity, (i.e. less than 10 students), the rule permits the renewal but at the provisional school level. The failure of the school to maintain the required quality of training (i.e., “. . . at least 80 percent of all tests administered were passed on the first attempt”) should be and is a different consideration. This “quality of training” requirement is very clearly established in §141.83(a)(2) [i.e., “. . . “Provide training of such quality that meets the requirements of § 141.5(d) of this part.”] The way §141.83(a)(2) is worded reads requires that the quality of training requirements must be met at all times which also means during and for the process of renewal. I also believe the way § 141.83(b) is worded [i.e., “. . . “may be the basis for suspending or revoking . . .”] provides the flexibility for FSDO to take a course of action other than suspending or revoking, but “MAY” provide for the suspending or revoking the certificate, if the FSDO deems it necessary.

A school that has a history of poor quality and fails to meet the quality of training requirements of §141.5(d), as addressed in §141.83, "MAY" be the basis for suspending or revoking the school's certificate. However, the training activity requirement of § 141.5(d) of having trained and recommended for pilot certification and rating tests of "... at least 10 students ..." must be met at all times. In applying this to a school renewal scenario, a school applies for renewal and the FSDO determines the quality of training pass rate is below the 80% criteria. In accordance with §141.83(b), a FSDO "MAY" initiate an action to suspend or revoke the school certificate, but it is not mandatory that the FSDO suspend or revoke the school's certificate merely on the basis of the quality of training pass rate. Only the training activity (i.e., "... at least 10 students ...") requires that. With the concurrence of FSDO management, the renewal process "MAY" or may not be terminated. On the other hand, the latitude of §141.83(b) permits the FSDO to proceed with the renewal process, if the school shows positive actions that will likely improve the quality of training to the 80% acceptable level. Section 141.83(b) provides flexibility [i.e., "(b) The failure of a pilot school or provisional pilot school to maintain the quality of training specified in paragraph (a) of this section may be the basis for suspending or revoking that school's certificate"] by the use of the term "... may be ..." as compared to the use of word "shall." By applying the requirements and provisions of § 141.83, which include using whatever flexibility is available to the FSDO including requiring changes to the school's approved course of training, changes to the training of the instructors who teach the course, etc. that can be expected to positively effect the quality of training, the renewal process could continue.

The intent of allowing training under Part 141 is to encourage a more structured training environment. The intent for encouraging training under Part 141 is to provide both quality of training and level of activity. It is not appropriate in the interest of safety or the intent of § 141.7 or §141.27(a)(3) to allow an immediate issuance of a provisional school certificate when this former school's quality of training measurement falls below 80%, without requiring some changes or improvements in the quality of training. With the wording of § 141.83(b) [i.e., "... may be the basis for suspending or revoking that school's certificate ..."] , gives us the ability and the authority to influence quality of training within that school.

{q&a-376}

PART 141.85 Chief instructor responsibilities

QUESTION 3: Please comment on chief/assistant chief instructor's "... availability ..." in §141.85(b).

ANSWER 3: Ref.§141.85(b); My answer to this question is previously covered in Q&A 36

"In developing this final rule [§141.85(b)], we deliberately intended to liberalize the word "available" to conform with Part 141 schools' actual practices. As many schools that voiced support for this change, they commented that it was not realistic nor common practice to expect a chief instructor to stay physically located at the school when considering the advancement of communication technologies. So we deliberately broadened the rule to permit the usage of today's communication technologies. However, as in accordance with Order 8700.1, page 143-3, paragraph (4), it states, in pertinent part, "In event that the chief instructor is unavailable for consultation, training in relation to the chief instructor's responsibilities must cease until that chief instructor returns, unless these duties have been delegated." So if consultations were needed with the chief instructor that involved a serious safety matter concerning the operation of the school, then "training ... must cease until that chief instructor returns, unless these duties have been delegated." However, if the consultation with the chief instructor is needed but the matter did not involve a serious safety matter concerning the operation of the school, then it would be AFS-840's policy to say the scenario you quoted would be in compliance §141.85(b). However, since this rule is not written specifically enough to qualify the intent of the word "available" it would require a legal determination by an NTSB Law Judge."

{q&a-401}

QUESTION 1: §§141.33(d), 141.37(b)(1), and 141.85 (c) specifically refer to the duties the assistant and check instructor are authorized to perform: (1) conducting stage checks, (2) end-of-course tests, and (3) flight instructor proficiency checks. Is this a limitation, or are the policies contained in the 8700.1, Vol. 2, Chap 143, Section 11(B) still applicable, (i.e., other duties such as the certification of training records)?

Can the Assistant Chief Instructor at a school's satellite, for example, certify the training record, graduation certificate, stage check and end-of-course test report, and recommendation for course completion, and application of a student from that facility, or must these records be certified only by the Chief Instructor located in West Chicago, Illinois as specified by §§141.85(a)(1) and 141.95(b)(6)?

ANSWER 1: Yes, the Assistant Chief Instructor can perform those functions and duties, provided the Chief Instructor has delegated it to him. The rationale here is that these rules were never intended to restrict the assignment of function and duties to the Assistant Chief Instructor, nor was it ever the intent for these rules to conflict with the provisions of FAA Order 8700.1. An Assistant Chief Instructor at a satellite base may perform those functions and duties, as delegated by the school's Chief Instructor.

You've recognized the problem of trying to write an exhaustive list of delegated responsibilities and duties when I should have just written §141.85(c) to state:

"The Chief Instructor may delegate duties and functions to the school's Assistant Chief Instructor but not RESPONSIBILITIES."

That is the way it should have been written and I wish I had written it that way. I know I'd have less trouble explaining myself today. Well as the old saying goes, "you live and learn." But keep in mind, even though duties and functions can be delegated, the responsibility for ensuring those duties and functions are accomplished still belong to the Chief Instructor. He cannot delegate his responsibility!

The Chief Instructor position is primarily a management position. Chief Instructors cannot delegate their RESPONSIBILITIES for maintaining the school's training techniques, procedures, and standards. But they can delegate functions and duties to their Assistant Chief Instructors and Check Instructors!

QUESTION 2: Along similar lines, "School ABC" also holds examining authority. Order 8700.1, Vol. 2, Chapter 146, section 13(B)(1) states that the Chief Instructor for the examining authority course must enter a recommendation on the reverse of the 8710-1 form. Can the Assistant Chief Instructor for each satellite enter the recommendation instead of the Chief Instructor?

ANSWER 2: Yes, the Assistant Chief Instructor can perform this function provided the Chief Instructor has delegated that function to his Assistant Chief Instructor. The rules were never intended to restrict the assignment of duties and functions to the Assistant Chief Instructor, nor were the rules intended to conflict with the provisions of Order 8700.1. An Assistant Chief Instructor at a satellite base may perform those duties and functions, as delegated by the school's Chief Instructor.

However, as a matter of clarification, the "Airman Certificate and/or Rating Application," FAA Form 8710-1 SHALL be signed by the recommending flight instructor. The graduation certificate should be signed by the Chief Instructor, or by the Assistant Chief Instructor if that function has been delegated to the Assistant Chief Instructor by the Chief Instructor.

QUESTION 3: Although §141.37(a)(2)(iv) allows the assistant chief instructor to give a proficiency test to a prospective check instructor relating to a flight training course, §141.37(a)(1) states specifically, that to be designated as a check instructor relating either to flight or ground training, the person must pass a test given by the chief instructor on teaching methods, the AIM, etc. Can this test given by the chief instructor be in written form, or must the candidate from Dallas, Texas, for example, travel to Chicago to take the test from the chief instructor? Better yet, can the assistant chief instructor for the Dallas satellite administer the test for the chief instructor?

ANSWER 3: The entire test can be conducted by an Assistant Chief Instructor or even to another Check Instructor, provided that function has been delegated to the school's Assistant Chief Instructor or Check Instructor by the Chief Instructor. Section 141.85 was not intended to be restrictive in delegating duties and functions. It would not make sense to require every instructor or the Chief Instructor to travel between Chicago and Dallas to conduct these tests. However, keep in mind as I stated earlier,

"... duties and functions can be delegated, but responsibility for ensuring these duties and functions are accomplished still belong to the Chief Instructor. You cannot delegate responsibility!"

QUESTION 4: Can the assistant and/or the check instructor at each satellite give the proficiency test or knowledge test, or both, to a student seeking credit towards the curriculum requirements?

ANSWER 4: Absolutely, an Assistant Chief Instructor and/or the Check Instructor at a satellite school can give the proficiency test or knowledge test, or both, to a student seeking credit towards the curriculum requirements. The reason this is so is because it was never the intent of §141.85 or Order 8700.1 to restrict the Assistant Chief Instructor and/or the Check Instructor from performing delegated duties and functions, as assigned by the Chief Instructor.

QUESTION 5: As the preamble to Part 141 states, "The FAA proposed to revise §141.85 to clarify that the chief instructor serves in a supervisory role at the pilot school." The new regulations have changed some of the duties of the chief instructor from "conducting" certain checks and tests to "ensuring" that they are accomplished. But if indeed, only the "stage checks, end-of-course tests, and flight instructor proficiency checks" can be delegated, then the new regulations have actually increased the chief instructor's burden rather than decrease it. In a situation such as "School ABC", where over a dozen satellite bases are scattered throughout the country, each Assistant Chief Instructor needs basically the same authority to receive and delegate some of the responsibilities (certifying training records, etc.) entitled to the Chief Instructor. In this capacity, the Chief Instructor could truly serve in a more supervisory role as intended in the preamble.

ANSWER 5: The Assistant Chief Instructor can perform functions and/or duties that the Chief Instructor has delegated to his Assistant Chief Instructor. The Chief Instructor position is primarily a management position. Chief Instructors cannot delegate their RESPONSIBILITIES for maintaining the school's training techniques, procedures, and standards, but they can delegate functions and duties to their Assistant Chief Instructors and Check Instructors.
{q&a-195}

QUESTION: In the §141.85(b), how broadly do we interpret the provisions "available at the pilot school or, if away from the premises, by telephone, radio, or other electronic means." As an example, a chief instructor is an airline pilot and is on a scheduled flight. The school calls the chief instructor on his beeper and an hour and a half later after he lands in Los Angeles he calls back to the school. Is that scenario in compliance with the provisions of §141.85(b). Section 141.85(b) states:

(b) The chief instructor or designated assistant chief instructor shall be available at the pilot school or, if away from the premises, by telephone, radio, or other electronic means during the time that instruction is given for an approved course of training.

This is the discussion that was contained in the Part 61 and 141 NPRM No. 89-14 - Phase 1 that was issued in the Federal Register on May 26, 1989.

Section 141.85(b) presently requires that the chief or assistant chief flight instructor be available at the school's base of operations during the time that instruction is given for an approved course of training. The FAA has noted different interpretations of what availability means for chief flight instructors or their assistants during the time that instruction is given for an approved course of training at Part 141 schools.

During the public hearings for this regulatory review, it was suggested by some participants that, in practice, it was unrealistic to expect a chief flight instructor to be present at the school whenever flight instruction is being given. They noted the difficulty in having a chief flight instructor and assistant chief flight instructor available to cover all possible times of flight instruction. Furthermore, to require more personnel, in addition to the chief or assistant chief flight instructor, who would meet the requirements of the current § 141.35, would place a significant burden on the pilot school and is similarly unrealistic. One participant in the hearings stated that special need for the chief or assistant chief flight instructor arises only in unusual circumstances, and that usually they did not have to be physically located at the base of operations because availability by telephone normally suffices. Other participants stated that they see chief flight instructor availability as meaning on duty at or near the airport, in an aircraft in the local flying area, or reachable by radio or telephone.

The FAA believes that chief and assistant chief flight instructors can indeed be readily available for supervisory purposes without necessarily being physically present at the school. Availability in the local flying area by telephone or radio while instruction is being given would satisfy the intent of the rule and provide a favorable training atmosphere. This change to § 141.85(b) would serve to define more clearly the chief flight instructor's role as supervisory, and not require the chief flight instructor's physical presence at all times that instruction is being

given. A person can be on duty and immediately "available" for the purpose of supervisory duties via various common electronic means, such as telephone, radio, and paging systems, without hampering safety.

This is the discussion that was contained in the Part 61 and 141 Final Rule - Phase 1 that was issued in the Federal Register on March 15, 1991.

NPRM No. 89-14 proposed modifications to §§ 141.35 and 141.85 to define more clearly the supervisory role of chief instructors and to clarify the requirement for chief instructor availability during the time that instruction is given for an approved course of training. The FAA has noted different interpretations of what availability means for chief instructors or their assistants at Part 141 schools. The FAA believes that a person can be on duty and immediately "available" for the purpose of supervisory duties via various common electronic means, such as telephone, radio, and paging systems, without hampering safety. These changes were intended to reconcile potential conflicts in chief instructor duties while maintaining stringent standards for designating chief instructors under Part 141.

A total of 17 comments were received on the proposal to clarify chief instructor availability requirements to include electronic means. All comments, including those from principal organizations, indicated overwhelming acceptance of this proposed amendment. Comments cite the elimination of an undue burden on industry and the use of modern communications to allow easy contact with the chief and assistant chief instructor if needed. AOPA and EAA agree that someone of authority should be available at all times when flight instruction is in progress, but physical on-site availability is unnecessary. ERAU stated that chief instructor availability through electronic means will adequately cover any situation in which direct involvement becomes necessary.

This final rule changes §§ 141.35 and 141.85(b) to clarify the availability of the chief and assistant chief instructor to include electronic means. Availability in the local flying area by telephone or radio while instruction is being given would satisfy the intent of the rule and provide a favorable training atmosphere. This change to § 141.85(b) serves to define more clearly the chief instructor's role as supervisory, rather than requiring the chief instructor's physical presence at all times during which instruction is being given. This change is designed to enhance efficiency and align the FAR with FAA policy as expressed in FAA Order 8710.5 and Advisory Circular 141-1.

ANSWER: In developing this final rule [§141.85(b)], we deliberately intended to liberalize the word "available" to conform with Part 141 schools' actual practices. As many schools that voiced support for this change, they commented that it was not realistic nor common practice to expect a chief instructor to stay physically located at the school when considering the advancement of communication technologies. So we deliberately broadened the rule to permit the usage's of today's communication technologies. However, as in accordance with Order 8700.1, page 143-3, para (4), it states, in pertinent part, "In event that the chief instructor is unavailable for consultation, training in relation to the chief instructor's responsibilities must cease until that chief instructor returns, unless these duties have delegated." So if consultations were needed with the chief instructor that involved a serious safety matter concerning the operation of the school, then "training . . . must cease until that chief instructor returns, unless these duties have delegated." However, if the consultation with the chief instructor is needed but the matter did not involve a serious safety matter concerning the operation of the school, then it would be AFS-840's policy to say the scenario you quoted would be in compliance §141.85(b). However, since this rule is not written specifically enough to qualify the intent of the word "available" it would require a legal determination by an NTSB Law Judge.

{q&a-36}

141.91 Satellite bases

QUESTION 8: Are satellite bases for part 141 schools issued individual designators for PTRS purposes that are separate from their parent school?

ANSWER 8: Ref. §141.91; According to AFS-620, each satellite base/school have been issued their own unique designator code that is different from the parent school. The reason a unique designator code is assigned to each satellite base/school is to allow the entering of information into the Vital Information Subsystem (VIS) thus updating information on the National Vital Information Subsystem (NVIS).

{q&a-435}

QUESTION: Situation, I have a Part 141 flight school that has two satellite schools. The satellite schools are located 16 miles apart from each other. Can they assign the same assistant chief instructor to service both satellite schools.

ANSWER: Ref. §141.91(a); No, the same assistant chief instructor cannot be assigned to service both satellite schools. There must be an assistant chief instructor designated for each satellite base.
{q&a-406}

QUESTION 1: In accordance with §141.87(b), it permits a school to continue to operate without a Chief Instructor for a period of time “. . . not to exceed 60 days while awaiting the designation and approval of another chief instructor.” However, in accordance §141.91(a), it requires that schools that conduct training at bases other than its main operations base must appoint an Assistant Chief Instructor at that satellite base. Does the same requirement of §141.87(b) [i.e., “. . . not to exceed 60 days while awaiting the designation and approval of another chief instructor.”] apply to school’s satellite base if the school loses their Assistant Chief Instructor at that satellite base as what happens when the school loses its Chief Instructor at the primary base of operation?

ANSWER 1: Ref. §141.91(c); The answer is no, a school’s satellite authority would not have to be terminated by the loss of its Assistant Chief Instructor. The rules, §141.91 and §141.87, are silent on this issue. When the school’s satellite base is without an Assistant Chief Instructor, the school will comply with §141.91(c) until another Assistant Chief Instructor is appointed. Granted, the FAA may have to eventually develop some specific operational instructions to address this kind of situation, but to date we have none except to require that the satellite school’s instructors be “. . . under the direct supervision of the chief instructor or assistant chief instructor for the appropriate training course, who is readily available for consultation in accordance with §141.85(b) of this part . . .” Personally, I don’t believe we need to develop rules that cover every possible scenario, because having an Assistant Chief Instructor on site at a satellite school is more a need for the school than it is for the FAA. I still believe if we begin to have problems, the best way to handle this kind of scenario is direct consultation between the school’s Chief Instructor and the POI. I truly believe that communication and a harmonious relationship between a school and its POI is always the best solution!
{q&a-270}

QUESTION: What are the cost reimbursement requirements for establishment of a Part 141 satellite school overseas?

ANSWER: Ref. §141.91; This is a recap of information that was provided in response to a request for establishment of a satellite facility in Lagos, Nigeria for Aviation Training International (ATI), Air Agency Designator BM8S, located at Hayward Airport in Hayward, CA.

As I understand the information received a satellite facility for ground instruction may be established in Lagos, Nigeria if oversight and surveillance can be maintained. After a conversation with the New York IFO they would be able to provide those services if the requirements of the Office of Management and Budget Circular (OMB) No. A-25 and 14 Code of Federal Regulation (CFR) Part 187 are met. Specifically, reimbursement of all expenses required to provide those services would be made by ATI. This includes those expenses required for the initial inspection of the facility and instructor evaluations, as well as any required inspections required to insure compliance with all FAA guidance. This includes reimbursement for all travel, lodging and per diem, plus \$80.00 and hour during all inspection/surveillance activities. Recovery of these expenses will be made expeditiously with a check drawn on a U.S. bank and deposited to the FAA general fund.

14 CFR Part 187 implements Title V of the Independent Offices Appropriation Act of 1952 (31 USC 9701) and the International Air Transportation Competition Act of 1979 by following the guidance established in OMB Circular No. A-25 for compliance with those acts.
{q&a-344}

141.95 Graduation certificate

QUESTION 1: Situation is an applicant for a Commercial Pilot Certificate for an airplane single engine land rating who completes the final stage check of Embry Riddle Aeronautical University's Appendix D, Part 141 approved

Commercial Pilot Certificate - Airplane Single Engine Land course on October 21, 2000. The chief instructor does not get around to certifying the applicant's training record, graduation certificate, stage check and end-of-course test report, and recommendation for course completion until October 31, 2000. What is the "... (4) The date of graduation; ..." [i.e., in §141.95(b)(4)] for issuing the graduation certificate? Is it the date when the student finishes the last lesson of the approved course/completes the final stage check? Or, per §141.85(a)(1), is it the date the chief instructor certifies the student's training record, graduation certificate, stage check and end-of-course test report, and recommendation for course completion?

ANSWER 1: Ref. §141.95(b)(4); §141.85(a)(1); and §61.71(a); The date of graduation is the date the chief instructor certifies the applicant's training record, graduation certificate, stage check and end-of-course test report, and recommendation for course completion. So, the date of graduation would be October 31, 2000. And the chief instructor shall date the applicant's training record, graduation certificate, stage check and end-of-course test report, recommendation for course completion as October 31, 2000. As per §61.71(a), the graduate has a 60-day period after the date of graduation to present his/her graduation certificate and pass the required practical test, so I ask why should the applicant be penalized because of bureaucratic delays that are not his/her fault. The applicant should not be penalized, and so the chief instructor shall date the graduation certificate with a October 31, 2000 date.

QUESTION 2: Situation is an applicant for a Private Pilot Certificate for an airplane single engine land rating who completes the final stage check of Embry Riddle Aeronautical University's Appendix B, Part 141 approved Private Pilot Certificate - Airplane Single Engine Land course on October 21, 2000. The course is approved for self examining authority. The applicant completed the entire course on October 21, 2000, meaning he/she completed all of the training and testing on October 21, 2000. The chief instructor does not get around to processing the graduate's training record, graduation certificate, stage check and end-of-course test report, and recommendation for course completion to the school's airman certification representative (ACR) until October 31, 2000. And the ACR does not get around to completing the graduate's FAA Form 8710-1 application and the temporary airman certificate until November 5, 2000. What is the "... (4) The date of graduation; ..." [i.e., in §141.95(b)(4)] for issuing the graduation certificate? Is it the date when the student finishes the last lesson of the approved course/ completes the final stage check? Or, per §141.85(a)(1), is it the date the chief instructor certifies the student's training record, graduation certificate, stage check and end-of-course test report, and recommendation for course completion?

ANSWER 2: Ref. §141.95(b)(4); §141.85(a)(1); and §61.71(a); The date of graduation is the date the chief instructor certifies the applicant's training record, graduation certificate, stage check and end-of-course test report, and recommendation for course completion. So, the date of graduation would be October 31, 2000. And the chief instructor shall date the applicant's training record, graduation certificate, stage check and end-of-course test report, recommendation for course completion as October 31, 2000.

QUESTION 3: As a follow-on to Question 2, what is the date the ACR should sign the FAA Form 8710-1 application and the temporary airman certificate?

ANSWER 3: Ref. §141.95(b)(4) and §141.67(e)(1)(i); The date the ACR shall place on the FAA Form 8710-1 application and the temporary airman certificate shall be retroactive to October 31, 2000.

QUESTION 4: The situation involves an applicant for renewal of his/her flight instructor certificate who completes the end of course test of A, B, & C Professional Flying School's Appendix K, Part 141 approved Flight Instructor Refresher Course on October 21, 2000. The chief instructor does not get around to certifying the graduate's training record, graduation certificate, stage check and end-of-course test report, recommendation for course completion, and FAA Form 8710-1 application until November 3, 2000. However, the applicant's flight instructor certificate expired on October 31, 2000. What is the date of graduation for issuing the graduation certificate, temporary airman certificate, and FAA Form 8710-1 application? Is it the date the student finishes the last lesson of the approved course? Or, per §141.85(a)(1), is it the date the chief instructor certifies the student's training record, graduation certificate, stage check and end-of-course test report, recommendation for course completion, and application?

ANSWER 4: Ref. §141.95(b)(4); §141.85(a)(1); and §61.71(a); The date of graduation for a flight instructor renewal applicant is the date the applicant completes the flight instructor refresher course. The applicant completed A, B, & C Professional Flying School's Appendix K, Part 141 approved Flight Instructor Refresher Course on October 21, 2000, so make the date retroactive to show October 21, 2000 as the date of certification of the applicant's training record, graduation certificate, stage check and end-of-course test report, recommendation for

course completion, and FAA Form 8710-1 application. And the FSDO shall sign the back of the FAA Form 8710-1 application and the temporary airman certificate retroactive to show October 21, 2000. The reason this answer is different from the previous answer and the reason the date has to be made retroactive to October 21, 2000 is because for record keeping purposes, the FAA's Airman Certification Branch, AFS-763, needs the date of the FAA Form 8710-1 application and the temporary airman certificate to be on or before the expiration date of the graduate's superseded flight instructor certificate.

And I will add this comment in answering all of the above questions. Although § 141.95(a) and (b) does not specifically state how many days may elapse between the time the student completes a course until a graduation certificate must be issued, if a chief instructor is taking longer than 5 to 10 working days to get their graduates' files processed (meaning 5 to 10 working days from the date the chief instructor actually gets the file from the applicant's instructor), we need to impress upon them the importance of processing airman certification files in a timely manner. Going beyond 5 to 10 working days to get their graduates' training and certification files processed would not be considered the "norm." Keep in mind, per § 61.71(a), a graduation certificate is only good provided "... that person presents the graduation certificate and passes the required practical test within the 60-day period after the date of graduation." And can you imagine being the applicant having had no training in the previous 59 days and then be expected to pass a practical test on the 60th day! Historically, the FAA has been reasonable about the amount of time for disposition of files, but we all need to do a better job in keeping up.

And this emphasis for processing airman certification files in a timely manner also applies to ACRs. Taking longer than 5 to 10 working days to process an airman certification file after receiving that certified course completion file from the chief instructor should also not be considered the "norm" (meaning 5 to 10 working days from the date the ACR actually gets the applicant's file from the chief instructor).

Per FAA Order 8710.3C, page 5-12, paragraph 43. C. is the only official FAA policy on disposition of files and it states: "The examiner shall mail the completed certification file to the supervising FSDO not later than 5 days after completion of the practical test. Airman Certification Rating Application (ACRA) files may be sent directly to AFS-760."

{q&a-404}

QUESTION 2: I test applicants who have graduated from part 141 schools. §61.71 states that if an applicant presents a graduation certificate the applicant is considered to have met the applicable aeronautical experience, aeronautical knowledge and area of operation requirements of Part 61.

Does this mean that the applicant does not have to show me logged ground and flight training required under part 61 and that the graduation certificate will stand by itself. Am I required to examine the 141 syllabus to insure that the minimum logged training under part 61 was accomplished.

ANSWER 2: Ref. §61.71(a) and §141.95; No, you do not have to examine the school's syllabus.

If a person holds a graduation certificate from an approved training program under part 141 of this chapter then that person is considered to have met the applicable aeronautical experience, aeronautical knowledge, and areas of operation requirements of this part if that person presents the graduation certificate and passes the required practical test within the 60-day period after the date of graduation.

So as an examiner, you do not have to examine the school's syllabus. That is the FAA's responsibility when we review the TCO during the approval process. Additionally, the FAA reviews the school's records and students' records throughout the year at periodic times to ensure compliance with the appropriate rules of Part 141 [i.e., FAA Order 8700.1, Chapter 141 and §141.101, §141.77(a)(1), §141.95, etc.]. In addition, the school's Chief Instructor or Assistant Chief Instructor will have also reviewed the student's application, training records, and graduation certificates before that applicant appears for the practical test.

But the examiner certainly has the right and **SHOULD** review the applicant's training records and logbook to ensure the applicant completed the course requirements and that the school has completed the necessary paperwork and endorsements on the applicant [i.e., §141.95]. But you the examiner, your main emphasis should be on reviewing the student's application, logbook, and conducting the practical test. Leave the detail review of the school records and student training records to the FAA and to the school's Chief Instructor.

{q&a-206}

PART 141, Appendixes (A-K) General information

QUESTION 7: Why do the appendices not provide information on the required course content for ASES/AMES? Why do the appendices stop at ASE? Seems they should address ASEL/ASES and AMEL/AMES.

ANSWER 7: Ref. Part 141; The appendixes were drafted in general verbiage that allows for the areas of operation to be for either the airplane [single engine/multiengine] land rating or the airplane [single engine/multiengine] sea rating. It was written that way to conserve the size the regulations. As it was written, the entire rewrite of parts 61 and 141 was over 900 pages of double-spaced, typed document.
{q&a-435}

QUESTION 6: What are the limits or provisions for the establishment of a satellite base in a foreign country?

ANSWER 6: Ref. §§ 141.25(e), 141.53, and 141.91(b); The only "limits or provisions" for the establishment of satellite bases in foreign countries are that they are treated like any other satellite base in that they must be inspected and approved by the FAA [i.e., §141.25(e)]. With the issuance of Amendment No. 141-11 on October 5, 1998, the FAA deleted § 141.15. That rule restricted pilot schools from establishing schools at locations outside the United States. U.S. pilot schools are now permitted to establish training facilities outside the United States. The purpose behind removing § 141.15 was to facilitate the continuation of harmonization with our European partners of the Joint Aviation Authorities. Surveillance of schools at foreign locations are being performed by the International Flight Operation office in New York, San Francisco, and Houston.

The actual Federal Register publication with the rule and preamble language can be read at:

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=1998_register&docid=98-26602-filed
{q&a-424}

PART 141, Appendix B Private pilot cert. course

QUESTION 2: Ref. Part 141, Appendix B, paragraph 4.(b)(1)(iii); Please verify that under Part 141 the CFI must have his/her instrument rating (CFII) to teach the 3 hours of instrument training required for private pilot certificate.

ANSWER 2: Ref. §61.193 and Part 141, Appendix B, paragraph 4.(b)(1)(iii); Again to stay consistent with my answer in Answer 1 above, even though I realize Part 141, Appendix B, paragraph 4.(b)(1)(iii) says "instrument training," the training is really only the kind of training described in §61.109(a)(3). So to remain consistent with my answer in Answer 1 above, a CFI-ASE can provide the training described in Part 141, Appendix B, paragraph 4.(b)(1)(iii).
{q&a-283}

QUESTION 1: Ref. Part 141, Appendix B, paragraph 4.(a)(1): Situation is I am designing a Private Pilot Certification Course for an Airplane Single Engine Land. Does all 35 hours listed in paragraph 4.(a)(1) have to be dual flight training with an instructor? What is the breakdown in the hours?

ANSWER 1: No, all of the 35 hours listed in paragraph 4.(a)(1) does not have to be dual flight training with an instructor. Notice the "35 hours" listed in paragraph 4.(a)(1) does not specify whether the time has to be solo, dual, aircraft, flight simulator, flight training device, or whatever. Once you get to paragraph 4.(b)(1) is where the flight training with a certificated flight instructor is specifically identified and it states "20 hours." And further subparagraphs (i) through (iv) is where the "dual" flight training is specific to the aircraft category and class. You would go to paragraph 5(a) to obtain the total solo flight time requirements which in this case is 5 hours.

Now I know some of you are using your computers and adding 20 hours of dual time and 5 hours of solo time and saying the times only amount to 25 hours. You're asking where is the other 10 hours that add up to 35 hours?

Right? Well the other 10 hours is decided by the schools. The rule was written this way to permit the schools to design their course to how they see fit.
{q&a-177}

QUESTION: Within the 35 hours ground training required in an FAR Part 141 school, can both the testing and test debrief be included? Or, must testing and debrief be in addition to the 35 hours. I couldn't find any answer to this in the FAR's.

ANSWER: Ref. Part 141, Appendix B, paragraph 3.(a)(1); Yes, the testing and debriefing can be part of the 35 hours. Even though this change was made to the flight training portion in all of the appendices (I know you're asking about the ground training portion), but when we issued the Notice of Proposed Rulemaking on the rewrite of Parts 61 and 141, we specifically left out reference ". . . may not be credited for more than 3 hours . . ." in the flight training portion of the old Appendix A, paragraph 5.(a). Our rationale for deleting this reference was because we wanted to leave it up to the schools to design their courses without regulatory restraints getting in the way. My experience with Part 141 schools was this was their biggest complaint about Part 141 was that it was too restrictive and it did not allow the schools to design courses that took advantage of the abilities of you professional trainers.

So yes, you can count the testing and the debriefing as part of the 35 hours of ground training. However, as they say, "a word to the wise": if some school were to some way attempt to take advantage of this relief, at the end of 24 calendar months, in accordance with §141.5(d), the school has to show a 80% pass rate or they lose their school certificate.
{q&a-174}

QUESTION 3: FAR 141, Appendix B, no longer requires pre and post flight briefing for each lesson. Did I overlook it somewhere?

ANSWER 3: Reference Old Part 141, Appx B, paragraph 4.(b): No, you didn't overlook it. We did away with that requirement. This was a rule that we believed was unnecessary to regulate. We felt the need of a pre-and post-flight briefing did not need to be a regulatory requirement and was best left to the instructor and the student.
{q&a-117}

QUESTION 5: FAR 61.107 (b) and FAR 61.127 (b) require training in maximum performance takeoff and landings. FAR 141, Appendices B and C do not make reference to that same training. Is this correct? If so, will he PTS be changed?

ANSWER 5: Reference §61.107(b) / Appx. B, paragraph 4.(d) of Part 141 / §61.127(b) / and Appx D, paragraph 4.(d) of Part 141: The areas of operation read EXACTLY the same. The areas of operation of §61.107(b) and Appx. B, paragraph 4.(d) of Part 141 are identical. Appendix C of Part 141 addresses the instrument rating and §61.127 is Commercial Pilot certification. Now if you meant to say Appendix D of Part 141 then §61.127(b) and Appendix D, paragraph 4.(d) are identical.
{q&a-117}

QUESTION 1: Part 141, Appendix B § 5. (a). requires "5 hours of solo flight training in a single-engine airplane on the approved areas of operation in paragraph (d) (1) of section No. 4 of this appendix..." Problem: (d) (1) in section 4 includes (ix) basic instrument maneuvers (x) emergency operations (xi) night operations.

Is there some intent to require solo practice in ALL these areas?

ANSWER 1: No, there never was any intent to require student pilots to perform emergency procedures, night operations, and basic instrument procedures in solo flight. Note, the way paragraph 5(a) reads, it doesn't say ALL of "the approved areas of operation in paragraph (d)(1) . . ." it just states "the approved areas of operation in paragraph (d)(1) of section No. 4 . . ." A flight instructor's judgment may be questionable if the flight instructor did authorize his student pilot to perform certain emergency procedures solo. But it is an instructor's call, because some students may be permitted to do certain emergency procedures, night operations, etc. It is the instructor's call. But no, a student pilot is **NOT** required to do ALL of the areas of operation of paragraph (d)(1) nor does the rule require it.
{q&a-101}

QUESTION 1: Does the cross country time required by Appendix B, paragraph 4 which requires 3 hours of cross-country flight training have to have a landing at least 50 NM from the departure point even though it is dual training?

ANSWER 1: Reference Part 141, Appx. B, Paragraph B.4.(b)(1)(i) and (ii)(A), No, the first landing doesn't have to be more than 50 nautical miles from the original point of departure but one of the landings better be; Review §61.1(b)(3)(ii) "... a point of landing that was at least a straight line distance of more than 50 nautical miles from the original point of departure;" So, give me at least ONE "... a point of landing ... more than 50 nautical miles from the original point of departure" and you've satisfied the cross country definition.

QUESTION 2: Part 61 requires that a student pilot log a solo cross country of at least 150 NM total distance to meet the aeronautical experience requirements to receive a private pilot certificate. Appendix B of Part 141 only requires a student to log a cross country of 100 NM to meet the aeronautical experience requirements to receive a private pilot certificate. We were told that this was a mistake. The Appendix B requirements for solo cross country should be the same as Part 61, i.e. a solo cross country of a total distance of 150 NM. All printings of the new regulations still specify in Part 141 Appenix B, Paragraph 5 (a)(1) one solo cross country flight of at least 100 nautical miles. Could you clarify these items? Thank you.

ANSWER 2: Reference Part 141, Appx. B, Paragraph B.4.(b)(1)(ii)(A), NO THIS WAS NOT A MISTAKE. Yes, there is a difference between the rules and I know about it. It was done on purpose, because of the lower time requirements under Part 141 (35 hours) vs. Part 61 (40 hours). This accounts for the 5 hour reduction in aeronautical experience for Part 141 students.
{q&a-91}

QUESTION 4: Reference FAR 141, Appendix B, paragraph 5 (a) (1). If the student flew two solo cross country flights to satisfy the 5 hour solo requirement, would the definition of cross country time in FAR 61.1 (b)(3)(ii) apply?

ANSWER 4: One of the cross country's would have to meet the cross country requirements of Appendix B [5.(a)(1)] of Part 141. And if the applicant is doing another cross country, it would have to meet the requirements of §61.1(b)(3)(ii).
{q&a-74}

QUESTION: In the **QUESTION 1:** If a person wishing to enroll in a Part 141 Private Pilot course could not meet the requirements for issuance of a student pilot certificate (i.e: language), can he or she start training until becoming ready to solo, and then, go and get a student pilot certificate in order to actually solo?

ANSWER 1: Review Part 141, Appendix B, paragraph 2. What it means is, "A person must hold a recreational or student pilot certificate prior to enrolling in the flight portion of the private pilot certification course." So, if the person doesn't hold either a recreational or student pilot certificate then he/she can't enroll in the flight portion of the private pilot certification course.
{q&a-81}

PART 141, Appendix C Instrument rating course

QUESTION: Does the 35 hrs. of instrument training in Appendix C of Part 141 all have to be under actual or simulated instrument conditions?

Excluding the provisions for use of a flight simulator or an FTD, we believe the intent of the regulations is a total of 35 hours of *instrument flight training*, not 35 hrs. in actual/simulated instrument conditions.

As discussed, our syllabi, which have been widely used for over 20 years throughout the U.S., all specify 35 hrs. (as a minimum) for the instrument rating.

We suggest trying to differentiate between actual/simulated instrument training and practical instrument flight training would be unnecessarily burdensome for both the FAA and flight school operators.

The subject came up previously in connection with an AGATE combined Private/Instrument Syllabus that we developed for ERAU, Daytona Beach, FL. We are raising the issue again because a Part 141 School using our syllabi has been questioned by the Fresno FSDO.

Part 141, Appendix C, para 4 (a) (1) specifies 35 hours of *instrument training*.

Part 61, section 61.1 (b), (10) defines instrument training as "that time in which instrument training is received from an authorized instructor under actual or simulated instrument conditions."

Part 141 Appendix C, para. 4 (d) further requires "*flight training* on approved areas of operation listed in this paragraph." Included in the paragraph for flight training are areas of operation such as Preflight Preparation, Preflight Procedures, Air Traffic Control Clearances and Procedures, Emergency Procedures, and Postflight Procedures.

ANSWER: Ref. Part 141, Appendix C, para. 4(a)(1) and § 61.1(b)(10); I think the essence of your question is that you're really asking me whether all time performed in an instrument rating course counts as "instrument training" or just that time the student has the hood on. AFS-840's policy on this kind of question has been that we've essentially said as long as a student and the instructor is adhering to that school's part 141-approved instrument rating course's lesson plan/syllabi, the time will be considered "instrument training." We're not going to expect the student and the instructor to carry a stop watch for starting and stopping the logging of "instrument training."

An instructor or school would not need to break down the times between taxiing out with the hood off and then the very second the student puts the hood on, the clock for logging "instrument training" starts and then when the hood comes off, the clock stops and back and forth and back and forth of starting and stopping the logging of "instrument training." That is unreasonable to expect a flight instructor to use a stop watch approach for logging "instrument training."

There is no rule that addresses what is the "start time" and "stop time" for logging "instrument training" in an instrument rating course.
{q&a-411}

QUESTION: Concerning interpretation of 141 appendix C and the 35 hrs instrument training.
Part 141 appendix C (instrument Rating Course) states in 4(a)(1) that the course must consist of 35 hours of instrument training if the course is for an initial rating.

The definition of "instrument training" is per part 61.1: "The time in which instrument training is received from an authorized instructor under actual or simulated instrument conditions."

Therefore an applicant for an instrument rating would have to have logged in excess of 35 total hours to obtain an instrument rating since not all of the flight lesson could be logged as "instrument instruction".

Jeppesen shows an example of a suggested course layout for an instrument rating and suggests that the entire lesson time could be logged as instrument training. This seems to be in conflict with the literal language of the FAR.

When a review of §61.51(g) is done, it is apparent that instrument flight time is defined as flight time when a person operates the aircraft solely by reference to instruments under actual or simulated instrument flight conditions. It is my belief that when Jeppesen presented their example for completion of the instrument rating course in a table format that is misleading to the instructor and school and used it as a sales gimmick. See the attachment of the syllabus.

My Part 141 approved school thinks that because they must use a CFII for all of the instruction in a instrument rating course that they should be allowed to count all of the flight time as instrument instruction. However, the regulations do not allow any such definition.

Example: If the pilot taxis out for takeoff and does the engine run-up this time does not count toward the 35 hour instrument time? It should not because " #1. not flight time and #2. it was not done in simulated instrument flight conditions.

ANSWER: Ref. §1.1, §61.51(g) and Part 141, Appendix C, para. 4(a)(1); In the scenario you have given, an instructor or school would not need to break down the times between taxiing out with the hood off and then the very second the student puts the hood on the clock for logging "instrument time" starts and then when the hood comes off, the clock stops and back and forth and back and forth.

However, we would not expect to have the student logging instrument flight time if the aircraft is having to taxi for 15 minutes to the run-up area at the airport. Then wait another 10 minutes to receive the ATC clearance because of all the radio traffic on ATC clearance delivery. At this point, the student goes through the normal instrument checklist procedures spelled out in the aircraft's flight manual which takes another 5 minutes to complete. And then because of further delays in receiving a takeoff clearance, there is another 15 minutes delay. Then after the student and instructor actually do takeoff, the student only flies for 20 minutes of actual "instrument flight time" with the hood on. And then because of the lengthy delays previously, the student and instructor have to return back to the airport so the instructor can meet his/her next student. And then on the return flight back to the airport, the student is flying without a view limiting device on for another 10 minutes. And then after landing, the student and instructor have to taxi to a holding area for another 10 minutes of waiting because of more ATC delays. And then when the instructor fills out the student's logbook, he tries to log the student with 1+20 hour of "instrument flight time." That is not reasonable, nor is it acceptable under §61.51(g). At best, that is only 0+25 minutes of "instrument flight time" [i.e. 0+20 minutes of actual "instrument flight time" with the hood on plus the 0+05 minutes for the instrument checklist] that is creditable to be logged as "instrument flight time."

And even though I am tempted, I won't answer how much of the time should be charged to the student in aircraft rental and instructor time in a scenario like this. Hopefully, this situation doesn't happen often!

However, minimal amounts of time where the student is not wearing the view limiting device because of safety concerns in and around the airport because of air traffic safety concerns would be acceptable. And minimal amounts of time where the instructor is discussing an instrument procedure during the flight where the student momentarily removes the hood is acceptable. But since this is the first time this kind of question has ever come up, I am not going to try to define "start time" and "stop time" of "instrument flight time." I don't believe there is a problem of our instructors and schools understanding what is "instrument flight time" and what isn't "instrument flight time."

However, in the example above where I gave examples of lengthy delays where the student and the instructor were doing absolutely nothing that even remotely involved "instrument flight time," I would only consider 0+25 minutes of that time creditable to be logged as instrument flight time.

{q&a-408}

QUESTION 1: FAR 61.65 (d)(1) requires a person who applies for an instrument rating to have logged at least 50 hour of PIC cross country. FAR 141, Appendix C does not have this requirement. Is this correct?

ANSWER 1: Reference §61.71(a): §61.71(a) was revised in the new Part 61 to delete that requirement. Yes, it was intentional.

{q&a-117}

QUESTION 5: FAR 61.107 (b) and FAR 61.127 (b) require training in maximum performance takeoff and landings. FAR 141, Appendices B and C do not make reference to that same training. Is this correct? If so, will he PTS be changed?

ANSWER 5: Reference §61.107(b) / Appx. B, paragraph 4.(d) of Part 141 / §61.127(b) / and Appx D, paragraph 4.(d) of Part 141: The areas of operation read EXACTLY the same. The areas of operation of §61.107(b) and Appx. B, paragraph 4.(d) of Part 141 are identical. Appendix C of Part 141 addresses the instrument rating and §61.127 is Commercial Pilot certification. Now if you meant to say Appendix D of Part 141 then §61.127(b) and Appendix D, paragraph 4.(d) are identical.

{q&a-117}

QUESTION 2: Does Part 141 Appendix C, Commercial Pilot Certification Course, para 2 requiring:

" prior to enrolling in the flight portion of the course a person must hold :

- a) at least a private pilot certificate
- b) for airplane or powered lift, instrument rating or be enrolled in an instrument rating course"

mean that:

1) The private pilot certification course or the instrument rating course can no longer be a part of the commercial pilot certification course, since the applicant must have possessed the private certificate and the instrument rating prior to enrolling ?

2) If the above is correct, then is it safe to say that the flight training hours flown during the private pilot certification course or during the instrument rating course can no longer be accepted as part of the flight training required by para 4 of Appendix D, for TCO certification purposes. ie: 120 hours for airplanes, or 115 hours for helicopters ?

ANSWER 2: A Private Pilot Certification Course and an Instrument Rating Course may be part of a Commercial Pilot Certification Course, PROVIDED (as per Part 141, Appendix D, paragraph 2) the person must hold "... at least a private pilot certificate ... hold an instrument rating in the aircraft that is appropriate to the aircraft category rating for which the course applies ... Be concurrently enrolled in an instrument rating course that is appropriate to the aircraft category rating ..." before enrolling in the flight portion of the commercial pilot certification course. See Part 141, Appendix D, paragraph 2,(a) and (b). Just like the rule says, "... before enrolling in the flight portion of the commercial pilot certification course. ..."

Now per §141.57, the school is permitted to submit what is commonly referred to in the industry as a Professional Pilot Certification Course and not comply with the enrollment prerequisites of Part 141, Appendix D, paragraph 2. But remind the school about §141.83(a)(2) when it comes time to renew. If the school doesn't have an 80% pass rate, then they'll lose their school certificate. Their choice.

{q&a-81}

QUESTION 6: Does the following stated information mean if I have a student that graduates from my Part 141 instrument rating course, he no longer (after August 4, 1997) has to meet the "50 hours are as pilot in command in cross country flight in a powered aircraft" of §61.65(e)(1) and paragraphs (a), (b), (c), and (f) of §61.123? ---

In the existing §61.71(a), it states: "... However, if he applies for a flight test for an instrument rating he must hold a commercial pilot certificate, or hold a private pilot certificate and meet the requirements of §§61.65(e)(1) and 61.123 (except paragraphs (d) and (e) thereof)." And §61.65(e)(1) states: "A total of 125 hours of pilot flight time, of which 50 hours are as pilot in command in cross country flight in a powered aircraft with other than a student pilot certificate. Each cross country flight must have a landing at a point more than 50 nautical miles from the original departure point." In the new §61.71, the language referring to §§61.65(e)(1) and 61.123 has been dropped.

ANSWER 6: A Part 141 graduate will no longer be required to meet the "50 hours are as pilot in command in cross country flight in a powered aircraft" of §61.65(e)(1) and paragraphs (a), (b), (c), and (f) of §61.123. The deleting of that provision was intentional, because we who drafted the rule believe our Part 141 school give such quality of training that a person who graduates from a Part 141 school provides an equivalent level of safety. And we don't have to file a difference with ICAO because our country is the only country that has Part 141 approved schools and we have never filed differences when it relates to Part 141.

{q&a-31}

PART 141, Appendix D Commercial pilot course

QUESTION: Situation, my Part 141 school administers a pilot course of training titled the "Professional Pilot Course" that incorporates the Private Pilot-Airplane Single Engine Land rating, Instrument Rating-Airplane (in a single engine airplane, and Commercial Pilot--Airplane Single Engine Land rating all into one complete course. The complete course is broken down into:

Stage 1 is to prepare the student for solo flight.

Stage 2 is to prepare the student for solo cross country flight

Stage 3 is the stage for completion of the Private Pilot Certification portion of the course

- Stage 4 is the navigation portion at the Commercial Pilot level
- Stage 5 is the complex airplane training at the commercial pilot level
- Stage 6 is the instrument training
- Stage 7 is the stage for completion of the Commercial Pilot-ASEL rating and Instrument-Airplane rating.

As stated above, our students actually accomplish the Private Pilot Certification phase of our "Professional Pilot Course" at the end of stage 3. However during stage 3, our students are already receiving training and performing commercial pilot tasks (i.e., steep turns, chandelles, lazy 8's, etc.). By the time the students complete stage 3 of our "Professional Pilot Course," the course exceed the Appendix B course requirements by 31 hours.

Is this procedure in our approved course comply with the provisions of Appendix D, paragraph 2.(a) which requires prior to enrollment in the flight portion of the commercial pilot certification phase of the "Professional Pilot Course" the person must hold a private pilot certificate? Our "Professional Pilot Course" is designed to ensure our students successfully pass their Private Pilot Certificate practical test. Keep in mind, our Stage 4 is what we officially identify as the beginning of the commercial pilot phase of our "Professional Pilot Course." However, if you added up the time after completion of Stage 3 to the end of Stage 7, the time computes to 152 hours. And in comparison to adding up the course times for Appendixes C and D of Part 141, it computes to 155 hours. But keep in mind in Stage 3 of our "Professional Pilot Course" the person has received 31 more hours than what is required for Appendix B. And in Stage 3, the student is already being introduced to training on, and performance of commercial pilot certification tasks of Appendix D.

ANSWER: Ref. Part 141, Appendix D, paragraph 2.(a); The way the school has designed this "Professional Pilot Course," the answer is yes this course does not conflict with Part 141, Appendix D, paragraph 2.(a). So, it is permissible for this school to design and receive approval of a "Professional Pilot Course" under §141.57. And for further clarification purposes, it is permissible in this kind of course [emphasis added "Professional Pilot Course"]:

1. For a person to begin training on commercial pilot certification tasks before actually having received a private pilot certificate. Which in this particular "Professional Pilot Course" to have received training on commercial pilot certification tasks while the person is in Stage 3 of the training.
2. Before a person actually enrolls in the commercial pilot certification phase (Stage 4 in this particular "Professional Pilot Course") to be receiving training on commercial pilot certification Tasks. Which in this particular "Professional Pilot Course" to have received training on commercial pilot certification tasks while the person is in Stage 3 of the training.
3. To credit that training on commercial pilot certification tasks and still have it count towards the 120 total hours requirement and the 55 dual hours requirement of Appendix D of Part 141. Which in this particular "Professional Pilot Course," the student received 23 hours of training on commercial pilot certification tasks while in Stage 3 of the training.

{q&a-339}

QUESTION: Can a commercial pilot certification course for airplanes be approved for VFR only. The situation is a school wants approval for a Commercial Pilot Certification - Airplane Single Engine Land for VFR Only and not have the students already holding the appropriate instrument rating nor be concurrently enrolled in an instrument rating course that is appropriate to the aircraft category rating for which the course applies, and pass the required instrument rating practical test prior to completing the commercial pilot certification course.

ANSWER: Ref. Part 141, Appendix D, paragraph 2.(b)(2); The answer is no. As per Part 141, Appendix D, paragraph 2.(b)(2), it states "Be concurrently enrolled in an instrument rating course that is appropriate to the aircraft category rating for which the course applies, and pass the required instrument rating practical test prior to completing the commercial pilot certification course." The students have to either already hold the instrument rating that is appropriate to the aircraft category rating or be concurrently enrolled in an instrument rating course that is appropriate to the aircraft category rating for which the course applies, and pass the required instrument rating practical test prior to completing the commercial pilot certification course.

{q&a-335}

QUESTION: Ref. Part 141, Appendix D, paragraph 6(a); Where the rule states “. . . accomplish the stage checks and end-of-course tests . . .” does this mean the school’s training syllabus must have separate “stage checks” from the “end-of-course test?” As for example, Embry Riddle Aeronautical University wants to submit a training syllabus for their Commercial Pilot Certification Course-Airplane Single Engine Land with 3 stage checks, but they want to combine the 3rd stage check with their end of course test. Is this permissible, or must the “stage checks” be separate from the “end-of-course test?”

ANSWER: The rule is silent on this issue. Not even in §141.55 does it require it. The “stage checks” can be separate from the “end-of-course test” or it can be combined. Part 141, Appendix D, paragraph 6(a) merely states:

“(a) Each student enrolled in a commercial pilot course must satisfactorily **accomplish the stage checks and end-of-course tests**, in accordance with the school's approved training course, consisting of the approved areas of operation listed in paragraph (d) of section No. 4 of this appendix that are appropriate to aircraft category and class rating for which the course applies.”

There is no hidden meaning here. The school has the discretion to either separate the “stage checks” from the “end-of-course test” or it can be combine a “stage check” with the “end-of-course test.” In fact, my experience with Part 141 schools when I was in the field, I found most schools did combine the last “stage check” with the “end-of-course test.”
{q&a-260}

QUESTION 1: As I understand it Appendix D to FAR Part 141 is a stand alone instrument course of 120 hours for airplanes. The enrollment requirements are to hold an instrument rating for the category rating for which the course applies.

ANSWER 1: Ref. Appendix D of Part 141: No you are not correct. Appendix D of Part 141 is for a Commercial Pilot Certification training course. Appendix C of Part 141 is for an Instrument Rating training course.

QUESTION 2: FAR 141.77(c)(2) states in summary "25% of the curriculum requirements may be credited for previous experience. Therefore if all other requirements of FAR 141.77 are met a commercial airplane applicant could be credited with up to 30 hours making the minimum course completion time 90 hours.

An applicant requires 60 hours to complete the private pilot airplane and has 35 hours of dual and 25 hours of solo. The applicant completes their instrument in a PART 141 school in 35 hours. The applicants' total time is now 90 hours.

If I am able to credit 30 hours in our PART 141 syllabus that will require 90 more hours of training. 90 hours + 60 hours + 35 hours = 180 hours.

It may not be the intent of the regulations, however is it true that in the above example the applicant may receive their commercial certificate in 180 hours?

ANSWER 2: Ref. Part 141, Appendix D, paragraph 2; **YOU ARE NOT CORRECT ON ANY OF YOUR ASSUMPTIONS.** As per Part 141, Appendix D, paragraph 2, it states:

2. Eligibility for enrollment. A person must hold the following prior to enrolling in the flight portion of the commercial pilot certification course:
 - (a) At least a private pilot certificate; and
 - (b) If the course is for a rating in an airplane or a powered-lift category, then the person must:
 - (1) Hold an instrument rating in the aircraft that is appropriate to the aircraft category rating for which the course applies; or
 - (2) Be concurrently enrolled in an instrument rating course that is appropriate to the aircraft category rating for which the course applies, and pass the required instrument rating practical test prior to completing the commercial pilot certification course.

The applicant has to hold a private pilot certificate first. So all the time requirements of paragraphs 3 and 4, as appropriate, of Part 141, Appendix D have to be met after the applicant first holds a private pilot certificate. And as

it states in paragraph 2.(b), must either “. . . hold an instrument rating . . . ; or . . . Be concurrently enrolled in an instrument rating course . . .” So again, all of the time requirements of paragraphs 3 and 4 of Part 141, Appendix D, as appropriate, have to be met in the commercial pilot certification course.
{q&a-212}

QUESTION 2: Ref. Part 141, Appendix D, paragraph 4.(a)(1): Situation is I am designing a Commercial Pilot Certification Course for an Airplane Single Engine Land. Does all 120 hours listed in paragraph 4.(a)(1) have to be dual flight training with an instructor? What is the breakdown in the hours?

ANSWER 2: No, all the 120 hours listed in paragraph 4.(a)(1) does not have to be dual flight training with an instructor. Notice the “120 hours” listed in paragraph 4.(a)(1) does not specify whether the time has to be solo, dual, aircraft, flight simulator, flight training device, or whatever. Once you get to paragraph (4)(b)(1) is where the flight training with a certificated flight instructor is specifically identified and its states “55 hours.” And further subparagraphs (i) through (iv) is where the “dual” flight training is specific to the aircraft category and class. You would go to paragraph 5(a) to obtain the solo flight time requirements which in this case is 10 hours.

Now I know some of you are using your computers and adding 55 hours of dual time and 10 hours of solo time and saying the times only amount to 65 hours. You’re asking where is the other 55 hours that add up to 120 hours? Right? Well the other 55 hours is decided by the schools. The rule was written this way to permit the schools to design their course to how they see fit.
{q&a-177}

QUESTION 3: Under the new 141\, For the allocation of credit towards a Commercial Syllabus requirements, can you still allocate training received during their Primary and Instrument training to meet requirements for the Commercial? If so, Can a Commercial Pilot graduate with only 120 hours total?

ANSWER 3: Ref. Appendix D, paragraph 4(a)(1) requires 120 hours. Notice in Appendix D, paragraph 2(a) and (b) the eligibility requirements for a commercial pilot applicant is to hold a private pilot certificate and if enrolling in an airplane or powered-lift rating course to either hold an instrument rating or be concurrently enrolled in an instrument rating course that is appropriate to the rating sought. This new rule did not reduce the requirements of Appendix D [except as provided for in §141.55 (d) and (e)], so a person must have at least 190 hours of aeronautical experience just like the old requirements. Notice the training breakdown requirements, for example for an airplane rating:

Appendix B - Private Pilot Certification Course:	35 hours
Appendix C - Instrument Rating Course:	35 hours
Appendix D - Commercial Pilot Certification Course:	<u>120 hours</u>
Total	190 hours
	=====

No, you cannot allocate training received during the private and instrument training toward the commercial pilot certification course’s requirements of 120 hours.
{q&a-149}

QUESTION: We have a question from a major 141 flight school in reference to Appendix D, Commercial Pilot Certification Course.

Under 4(a)(1), does the 120 hours of training for an airplane include the training received under the Private and Instrument Courses or is it in addition to that total time?

ANSWER: Reference Part 141, App. D, para. 4.(a)(1); The answer is **NO**.
{q&a-131}

QUESTION: Part 141, Appendix D, paragraph 4.(b)(2) states: “(2) *For an airplane multiengine course:* 55 hours of flight training from a certificated flight instructor on the approved areas of operation listed in paragraph (d)(2) of this section that includes at least —”

Q: Does all 55 hours have to be in a multiengine airplane?

ANSWER: No; Only that time specified in subparagraphs (i) through (iv) of Part 41, Appendix D, paragraph 4.(b)(2)(i) must be in a multiengine airplane. Additionally, the time specified in subparagraphs (1) through (4) of Part 141, Appendix D, paragraph 5.(b) must be in a multiengine airplane.
{q&a-100}

QUESTION 3: Reference to Part 141, Appx D, para. 4.(c) of the Commercial Pilot-Airplane Certification Course, what is percentage of use of flight simulators and flight training devices based on? Is the percentage based on total course time of 155 hours of paragraph 4.(a)(1) or the 55 hours of flight training time in paragraph (b)(1)?

ANSWER: On the 155 hours, but time spent in a flight training device/flight simulator, there must be an authorized instructor present to monitor and verify the training. This is required by § 61.51(h).
{q&a-45}

QUESTION 1: Can solo flight time, under the old 61/141, logged by the Student Pilot now be considered PIC flight time?

ANSWER 1: Yes; All time logged as solo time prior to August 4, 1997 can now be also logged as PIC time. In fact, I have already gone into my logbook where I had logged solo time in 1968 and added the time into the PIC column of my logbook. It can be logged as both solo time and PIC time.
{q&a-74}

PART 141, Appendix E Airline Transport Pilot course

QUESTION 8: Does a military pilot that meets the requirements of 61.73 have to "hold" the commercial pilot certificate or simply meet the requirements of 61.73 where it addresses that provision in paragraph 2.(c) of Part 141, appendix E?

ANSWER 8: Ref. Part 141, appendix E, paragraph 2.(c); The military pilot only needs to have met the ". . . military experience requirements under §61.73 of this chapter to qualify for a commercial pilot certificate and an instrument rating . . ." It does not require the military pilot to actually hold a commercial pilot certificate and an instrument rating.
{q&a-424}

QUESTION 11: Part 141, Appendix E, paragraph 2 is any one of the subparagraph (a) or (b) or (c) or (d) sufficient for enrollment in an ATP certification course.

ANSWER 11: Ref. Part 141, Appendix E, paragraph 2 and §61.153; Yes, the prerequisite eligibility enrollment in order to enroll in a Part 141 approved ATP certification course is either subparagraph (a) or (b) or (c) or (d). However, in order for a person to be able to make application for an ATP certificate, a person must meet the prerequisite certification requirements of §61.153 and meet the APPROPRIATE prerequisite aeronautical experience requirements as stated in paragraph (e) of §61.153. So yes, a holder of a commercial pilot certificate with an instrument rating with say a total flight time of 250 hours may ENROLL in an ATP certification course by meeting paragraph 2.(b) of Appendix E of Part 141; however the person cannot APPLY for an ATP certificate in accordance with §61.153.
{q&a-401}

PART 141, Appendix F Flight instructor course

QUESTION 4: Ref. Part 141, Appendix F, paragraph 4.(a)(1): Situation is I am designing Flight Instructor Certification Course for a Airplane Multiengine Land Rating. Does all 25 hours listed in paragraph 4.(a)(1) have to be dual flight training with an instructor? What is the breakdown in the hours?

ANSWER 4: No, all the 25 hours listed in paragraph 4.(a)(1) does not have to be dual flight training with an instructor. Notice subparagraph (1) of paragraph 4.(a) states, in pertinent part, “. . . 25 hours . . .” Notice it does not specify whether the time has to be solo, dual, aircraft, flight simulator, flight training device, or whatever. It was written that way to permit the schools to design their course to how they see fit. Only in paragraph (b) of Part 141, Appendix F does the rule limit the amount of time in a flight simulator or flight training device.
{q&a-177}

QUESTION 4: FAR 141, Appendix F, Paragraph 4 (a)(1), requires 25 hours of flight training. Paragraph 1 states this appendix is for initial and additional flight instructor courses. With this in mind, is 25 hours of flight training also required for the additional flight instructor courses?

ANSWER 4: Reference Part 141, Appendix F, Paragraph 4 (a)(1): Yes, additional flight instructor ratings and initial flight instructor certification courses are the same. However, don't forget §141.55(d) and (e) that allows schools to submit courses with less than the required training hours.
{q&a-117}

PART 141, Appendix G Instrument flight instructor

QUESTION 2: Situation is, I have an applicant for an initial Flight Instructor Certificate for an Instrument-Airplane rating who completed an Appendix G, Part 141 - Flight Instructor Instrument - Airplane Rating Certification Course. Does this initial CFI Instrument-Airplane applicant and the Appendix G, Part 141-Flight Instructor Instrument Airplane Rating course have to have training and endorsement on being competent and possesses instructional proficiency in stall awareness, spin entry, spins, and spin recovery procedures?

ANSWER 2: Ref. Appendix F of Part 141, paragraph 5.(b) and Appendix G of Part 141, paragraph 4.(c); No on both accounts. The student enrolled in an Appendix G, Part 141 Flight Instructor, Instrument - Airplane Rating course is not required to have training and endorsement for instructional proficiency on stall awareness, spin entry, spins, and spin recovery procedures. Nor is the Appendix G, Part 141 Flight Instructor, Instrument - Airplane Rating course required to provide training on instructional proficiency on stall awareness, spin entry, spins, and spin recovery procedures. A review of Appendix G of Part 141, paragraph 4.(c) does not require any training on instructional proficiency in stall awareness, spin entry, spins, and spin recovery procedures.
{q&a-372}

QUESTION: Ref. Part 141, Appendix G, paragraph 3.(b)(1); In summary, a university has applied for an Appendix G of Part 141 Flight Instructor-Instruments Certification Course. Is there any way a Flight Instructor-Instruments Certification Course can be approved without requiring “Fundamentals of Instruction” (FOI) training for those persons who already hold a Flight Instructor Certificate?

We don't seem to see any way to avoid having a certified CFI having to repeat the training. After reviewing FAR 141 we have not been able to determine how we can approve the CFII TCO for the university. The way we read FAR 141.77 is that student must complete the entire TCO for the course which includes the FOI training which they received in the CFI TCO. The special curriculum courses do not appear to provide a means of a CFI to by-pass the FOI training required by appendix G for the CFII.

We need further guidance on approval of a CFII TCO which does not include all of the requirements of appendix G. Specifically paragraph 3 (B). which states that "Ground training must include the following aeronautical knowledge areas: Fundamentals of Instruction:....

If the ability to give credit for previous training is allowed in this case I think we should see it in writing prior to allowing this TCO to be approved.

ANSWER: YES; an Appendix G of Part 141 Flight Instructor-Instruments Certification Course can be approved without requiring “Fundamentals of Instruction” training for those persons who meet any of qualifications as stated in §61.183(e)(1), (2), or (3). The way you'd go about it to make it perfectly legal to approve such a course is, in accordance with §141.55(c)(7)(i) [i.e., “. . . The prerequisites for enrolling in the ground and

flight portion of the course . . .”], the school would add some additional language in the training course outline as follows:

In the text of the training course outline in the “Prerequisite for Enrollment” paragraph, language would be added that would state training on fundamentals of instructing are required except for persons who hold any of the following qualifications:

- (a) A flight instructor certificate and ratings that are appropriate to the flight instructor instrument rating for which the course applies;
- (b) A ground instructor certificate;
- (c) A current teacher's certificate issued by a State, county, city, or municipality that authorizes the person to teach at an educational level of the 7th grade or higher; or
- (d) Is employed as a teacher at an accredited college or university.

Additionally, in the text of training course outline where the fundamentals of instructing are stated, language would be added that would state this training is required except for persons who hold any of the following qualifications:

- (a) A flight instructor certificate and ratings that are appropriate to the flight instructor instrument rating for which the course applies;
- (b) A ground instructor certificate;
- (c) A current teacher's certificate issued by a State, county, city, or municipality that authorizes the person to teach at an educational level of the 7th grade or higher; or
- (d) Is employed as a teacher at an accredited college or university.

{q&a-213}

PART 141, Appendix I Additional category or class

QUESTION 10: What is the total amount of flight training time for a course at the commercial level if the course objective is to enroll a student that holds a commercial pilot certificate with a rotorcraft/gyroplane rating and provide the training for commercial pilot, rotorcraft/helicopter rating.

ANSWER 10: Ref. Part 141, Appendix I, paragraph 4 and the Aeronautical Checklist that is listed in the AFS-600 Q&A web site; The Aeronautical Checklist is listed in the AFS-600 Q&A web site and the document is titled as:

3. “[aero-exp.pdf](#)” which is a file that contains an aeronautical experience checklist to assist in checking an applicant’s FAA Form 8710-1 - Airman Certificate and/or Ratings.

The answer to your question is:

XCVI. Additional class rating in a rotorcraft category and a helicopter class course

C) Commercial Pilot Level: Dual - 5 hours flight training on the areas of operations of Part 141, Appendix D, paragraph 4.(d)(3), that includes-

- 1) 5 hours of instrument training;
- 2) 1 X-C in a helicopter of 2 hours duration in day-VFR conditions;
- 3) 1 X-C in a helicopter of 2 hours duration in night-VFR conditions; and
- 4) 3 hours of flight training in a helicopter in preparation for the practical test within the <60 days prior to the practical test.

Max. usage of flight simulators = 1 hour

Max. usage of flight training devices = 0.7 hour

Max. combined usage of flight simulators and flight training devices = 1 hour
{q&a-401}

Previous questions for minimum course times have been deleted because those requirements are now covered in the Aeronautical Experience Checklist at the end of this document

SITUATION: For these questions the existing school has a **“PROVISIONAL PILOT SCHOOL”** certificate issued three months ago. The school wants to write a syllabus for an added multiengine class rating to be added to an "existing" Private Pilot certificate, airplane single engine land. We go to Appendix I, paragraph 3. and paragraph 4 (a) to determine the required hours and content of the Knowledge (ground) training and hours and content for the flight training for this added class course at the Private Pilot Certificate level.

In this case the school cannot request a reduction of flight training hours or knowledge training hours, (Reduced Time Course) since they are a Provisional Pilot School and do not comply with the requirement to have held a "Pilot School Certificate" for 24 calendar months. [§141.55 (d)(1)] Additionally, this school will not meet the requirement to apply for "reduced time course" for 45 more months. (Reference, §141.55 (d)(1), held Pilot School Certificate for 24 months and Provisional Pilot School Certificate for 24 months.)

My specific questions are:

QUESTION 1: Based on the last phrase of paragraph 3 and the last phrase of paragraph 4 (a), "as appropriate", does a POI have the latitude to approve a TCO for the above described course that contains less than the 35 hours of knowledge training required by appendix B, paragraph 3(a)(1)?

ANSWER 1: Ref. Appendix I, paragraph 3; Yes, a school may request and the POI has the authority to approve a course of ground training that is less than 35 hours of aeronautical knowledge training. As per Appendix I, paragraph 3 it states, in pertinent part, “. . . on the aeronautical knowledge areas **that are specific** to that aircraft category and class rating and pilot certificate level for which the course applies . . .” The key words here “. . . are **specific to that aircraft category and class rating and pilot certificate level . . .**” Paragraph 3 doesn’t establish a set amount of hours of aeronautical knowledge areas, so the hours of ground training would only be those aeronautical knowledge areas that “. . . are specific to that aircraft category and class rating and pilot certificate level . . .” So an ASI should review the course content and make a determination whether the course content is adequate. But I will repeat this statement that I’ve said many times before in previous answers to approving Part 141 courses:

As I’ve said when answering many of the questions on Part 141:

I realize for all of us the way Part 141 has been rewritten, it gives the schools significant leeway in designing their courses. This is a change from the past. Part 141 was re-written that way to specifically allow schools to design their individual courses without Part 141 being over restrictive. We have to let the schools design their courses. The proof of the school’s success and the course’s success will come when we evaluate the student/pilot products during the phase checks and at the end of course completion time. In approving training courses, the new Part 141 has reduced the need for a lengthy review process.

The ASI should defer to the school’s recommended course until we the FAA prove the school wrong by the school’s quality of training shows falling below the success rate of 80%.

Per Part 141, Appendix I, paragraph 3, it states: “Aeronautical knowledge training. Each approved course for an additional aircraft category rating or additional aircraft class rating must include the ground training time requirements and ground training on the aeronautical knowledge areas **that are specific** to that aircraft category and class rating and pilot certificate level for which the course applies as required in appendix A, B, D, or E of this part, as appropriate.”

QUESTION 2: Based on question 1 above but going to appendix D (Commercial Pilot Certification Course). The above described Provisional Pilot School wants to add a course of training to add a multiengine class rating to an existing commercial pilot certificate, airplane single engine land. Can the POI approve this course for an added multiengine class rating, Commercial Pilot level, if the total knowledge training for this course is less than 35 hours?

ANSWER 2: Ref. Appendix I, paragraph 3; Yes, a school may request and the POI has the authority to approve a course of ground training that is less than 35 hours of aeronautical knowledge training. As per Appendix I, paragraph 3 it states, in pertinent part, “. . . on the aeronautical knowledge areas **that are specific** to that aircraft category and class rating and pilot certificate level for which the course applies . . .” See my answer in Answer 1. The same reasoning applies there as it applies here in Answer 2.

QUESTION 3: Based on the added multiengine class rating course at the private pilot level described above, is the minimum flight time for this private pilot level, added multiengine class course, 3 hours, as described in part 141, appendix B, paragraph 4 (b) (2)(i)(ii)(iii)(iv)?

ANSWER 3: Ref. Appendix I, paragraph 4(a); As per Appendix I, paragraph 4(a) it states, in pertinent part, “. . . that are specific to that aircraft category and class rating and pilot certificate level for which the course applies . . .” Therefore for an add-on airplane multiengine land course at the Private Pilot Certificate level, the minimum flight training for Part 141 course would be:

XCII. Additional rating in an airplane category and a multiengine class

A) Private Pilot Level: Dual - 20 hours flt tng on the areas of operations of Pt. 141, Appx. B, para. 4.(d)(2), that includes-

- 1) 3 hours of X-C training in a ME airplane;
- 2) 3 hours of night flight training in a ME airplane;
- a) 1 X-C flight of over 100 nm total distance in a ME airplane; and
- b) 10 T/O's and 10 Ldgs in a ME airplane with each involving a flight in the traffic pattern.
- 3) 3 hours of instrument training in a ME airplane; and
- 4) 3 hours of flight training in a ME airplane in preparation for the practical test within the <60 days prior to the practical test.

Max. usage of flight simulators = 3.6 hours

Max. usage of flight training devices = 2.4 hours

Max. combined usage of flight simulators and flight training devices = 3.6 hours

QUESTION 4: If the answer to number 1 and 2 above is "yes", the POI does have the latitude to approve knowledge training hours of less than 35, would you agree that the POI has the same latitude if the added class course is at the Recreational or ATP level?

ANSWER 4: Answer 4: Ref. Part 141, Appendix I, paragraph 3 and 4(a); As stated previously in Answers 1 and 2, “. . . a school may request and the POI has the authority to approve a course of ground training that is less than . . .” However, I don't agree with your statement that it is a reduction in hours. Under Appendix I, paragraphs 3 and 4(a) we only state “. . . that are specific to that aircraft category and class rating and pilot certificate level for which the course applies . . .” We didn't establish a set amount of hours. It has to be determined by reading the appropriate Appendix, just like if your question had asked about an add-on airplane multiengine land course at the Commercial Pilot Certificate level, the minimum flight training for Part 141 course would have been:

XCII. Additional rating in an airplane category and a multiengine class

B) Commercial Pilot Level: Dual - 55 hours flt tng on the areas of operations of Pt. 141, Appx. D, para. 4.(d)(2), that includes-

- 1) 5 hours of instrument training in a ME airplane;
- 2) 10 hours in a complex multiengine airplane;
- 3) 1 X-C of 2 hours duration in day-VFR conditions in a ME airplane;
- 4) 1 X-C of 2 hours duration in night-VFR conditions in a ME airplane; and
- 5) 3 hours of flight training in a ME airplane in preparation for the practical test within the <60 days prior to the practical test.

Max. usage of flight simulators = 3 hours

Max. usage of flight training devices = 2 hours

Max. combined usage of flight simulators and flight training devices = 3 hours

And if your had asked for add on airplane multiengine land course at the ATP Certificate level, the minimum flight training for Part 141 course would have been:

XCII. Additional rating in an airplane category and a multiengine class

C) At the ATP Level: Dual - 25 hours flight in a ME airplane on the areas of operation of Pt. 141, Appx. E, para. 4.(c) that includes 15 hours of instrument flight.
Max. usage of flight simulators = 7.5 hours
Max. usage of flight training devices = 5 hours
Max. combined usage of flight simulators and flight training devices = 7.5 hours

But none of these courses related to §141.55(d), because as you correctly stated §141.55(d)(1) states "(1) The school holds a pilot school certificate issued under this part and has held that certificate for a period of at least 24 consecutive calendar months preceding the month of the request;" A provisional pilot school wouldn't qualify for a reduced hour course.
{q&a-282}

PART 141, Appendix K Special preparation courses

QUESTION 1: Appendix K courses are generally related to pilot or flight crew-member courses. Could appendix K under "Special Operations Course" be used for a flight nurse course of a non-crewmember high altitude chamber course?

ANSWER 1: Ref. Part 141, Appendix K, paragraphs 2 and 9; The answer is no, an Appendix K course for flight nurses (i.e., non pilot flight crewmember) can not be approved under Part 141.
{q&a-424}

QUESTION 6: For clarification, have "Test Preparation Courses" been eliminated by replacing the old Appendix H with the new Appendix K?

ANSWER 6: The "Test Preparation Courses," of the old Appendix H of Part 141 was eliminated and the restructuring of all of the Appendixes of Part 141 have been incorporated into the different Appendixes throughout. And yes, Appendix K contains some of those courses.
{q&a-195}

QUESTION: In the past, Flight Instructor Refresher Courses were always approved by you in AFS-40. I noticed in the new Part 141, Appendix K, paragraph 11, it states the requirements for a Flight Instructor Refresher Course. Can the individual FSDO's now approve Flight Instructor Refresher Courses?

ANSWER: Yes; The guidance for approving this course is contained in AC 61-83D. If you have additional questions, please feel free to contact AFS-840.
{q&a-135}

QUESTION: In FAR 141 Appendix K Section 11, Flight Instructor Refresher Course is stated: "... must include 16 hours of aeronautical knowledge training, flight training, or any combination of ground and flight training on the following."

Does this mean that if I have 16 hours of only ground training it would fulfill the requirement? I have called several FSDO's and other parties they have given me different answers like..

1. Yes, you can complete this requirement with only ground training.
2. No, you have to have ground and flight training.

ANSWER: **YES**, you can complete this requirement with only ground training. Reference Part 141, App. K, para. 11; It can be as "... at least 16 hours of aeronautical knowledge training, flight training, or **any** combination of ground and flight training on the following-" or otherwise that rule states 16 hours of ground training **OR** 16 hours of flight training **OR** any combination of ground and flight training on the following.
{q&a-132}

NOTICE

**THE PART 61 FREQUENTLY ASKED QUESTIONS AND THE
“EXPERIENCE CHECKLIST” ARE NOW IN SEPARATE
DOCUMENTS.**

**PLEASE GO BACK TO THE AFS-600 WEB SITE FOR LINKS
TO THESE DOCUMENTS.**